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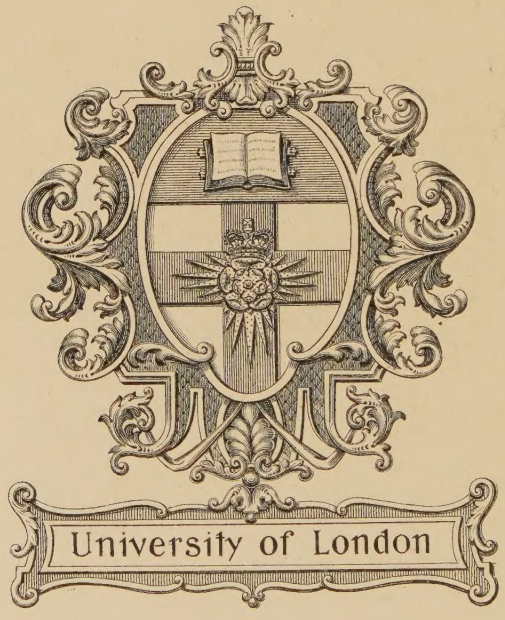


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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

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# TRANSACTIONS

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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

# PRESIDENTIAL ADDRESS

By Professor C. W. C. Oman, M.A., F.B.A., F.S.A., President

*Delivered February* 14, 1918

You have honoured with your presidency this year not a leisured man, who is capable of making a serene survey of all historical work done during the last twelve months, but a very busy Government servant, whose duties keep him tight to desks (three separate desks!) in Whitehall from 10.30 a.m. to 8 p.m. on most days of the week, and who must confess to you with all frankness that he has read little historical literature during the past year, save the single volume of *Magna Charta Essays*, which is this Society's most important contribution in the fields of research for 1918. Your President, therefore, feels some diffidence on coming before you to-day with an annual address, when he remembers that the last of the series was delivered in February 1917 by a master of research and expression, a great teacher, and a trainer of other teachers, who possesses such a command of a long period of English History as does no other man living, and whom every member of the Society respects and reveres

as the unquestioned lord of his own domain. His enthusiasm for the systematic gathering of knowledge, and his power of orderly marshalling of the essential facts, makes his successor feel a proper humility as he takes over the chair that has been so efficiently filled during the last three years.

Concerning the activities of the Society in 1917 I shall not speak at length, merely referring you to the Report of the Council, wherein they are set forth with great clearness. We have suffered losses like all other learned bodies, some due to natural causes, others directly the result of the war. The deaths of Professor Villari and Dr. Bass Mullinger came at the end of long lives spent in earnest work on different fields of History. We have lost another valued member, Mr. C. Woolff, Fellow of Trinity College, Cambridge, by the most honourable of deaths, that which comes on the field of battle. In Cambridge as in Oxford the Roll of Honour now embraces the names of more than one of our most promising historians of the younger generation.

I do not propose to dwell upon the individual work of members of our Society in connection with the war, but a glance at the list of Fellows shows me that their work is manifold and valuable, whether in the capacity of lecturers in English or French camps, or in service on the military or naval staffs, in corps for Home Defence, as workers in Government departments, and statutory committees, as special constables, or in other spheres of usefulness to their country.

The normal proceedings of the Society have, of course, been hampered during the past session by the distraction of its members to various national duties, which take them far from the realm of history. We have not printed quite so much as usual: labour is scarce, paper and cloth have become more costly. I allude to these difficulties because it sometimes happens that, with a laudable eagerness for the diffusion of knowledge, members

of learned societies do not always seem to appreciate them. I can only say that we continue to do our best: in the Report you will find statistics proving that our library is steadily increasing, largely owing to the generous gifts of Dr. Prothero and other donors. You will find in the report a favourable statement in respect to the membership of the Society and its financial stability. Thanks to the skilful finance of our Treasurer we stand well, and have issued a most respectable output of volumes to the Fellows and the public. Our Director and Council have seen to it that our series of lectures has continued, and dealt with many interesting topics: Mr. Hall has also secured us the succession of valuable material to be printed in the future. We are duly grateful to them, and the other officials, when we see that in these times of hard work and diverted energies the Royal Historical Society continues to grow and to flourish.

And so to my particular subject of to-day, one that was suggested to me by the sphere of part of my work in Whitehall, where every morning I take up my blue pencil, as one of the much-cursed tribe of censors. I am not going to talk of the 'secrets of the prison house'. When the war is over it will be time enough to say what one thinks of war-correspondents and war-orators, publicists, journalists, and propagandists, domestic and foreign, enemy and ally, their psychology and their methods. To-day I am intending merely to give you a few notes on a subject of general historical interest, which has been repeatedly brought up during the present war, though one had thought that the times and conditions were so changed that it would never crop up again as a practical phenomenon worthy of serious notice. I allude to the genesis and development of Rumours, Reports, and Legends of a false or exaggerated sort, during times of military or political crisis. The topic would be too large for any general discussion—whole volumes

might be written upon it if one took it as a whole. My scope is limited to illustrating the psychology of Rumour from incidents that have occurred during the present war.

Between History previous to the nineteenth century and during the last three generations, there is, in this province of research, one essential dividing point—the introduction of the Electric Telegraph, which not only made the transmission of true information infinitely more rapid, but also secured the contradiction of false information within a reasonably short space of time. In classical times or the Middle Ages an immense lie about events in a very remote corner of the world might have free currency for months: one about events only two or three hundred miles away might remain uncontradicted for many days. Even a highly organised system of posts, such as prevailed in the Roman Empire and in a less degree in the ancient Persian Empire and the thirteenth-century Mongol Empire, worked in a comparatively slow fashion, and in time of trouble served less usefully than one might have expected, because the public was naturally and rightly suspicious of official *communiqués*. A Persian king or a Roman emperor could not be expected to give sincere and full information about palace conspiracies or provincial rebellions, for the benefit of his discontented subjects in distant corners of his realm, any more than a modern German official *communiqué* would about strikes, and the public was well aware of the fact. On the other hand private letters not given to a Government messenger must naturally travel slowly, and if wars or civil strife were prevalent, would not arrive at all, or arrive after unconscionable delays. Hence Rumour, ΦΗΜΗ, the *Fama* that Virgil describes, with her myriad eyes and her myriad tongues, had a scope and a surviving power that seemed absurd to us a few years ago in the quiet days of the nineteenth century, when we wrote facile

platitudes about the credulity of our predecessors in the old world, at which, in view of wild days of the recent war-years, we feel that we must not so lightly scoff.

The old-fashioned rumour was generally 'tendencious,' i.e. bore witness to a psychological state of expectation of certain desired or dreaded events, and declared that they had actually taken place. A fine example is the story of Herodotus about the 'divine rumour' which ran round the Greek confederate fleet at Mycale in 479 B.C., that 'on this day the allies have achieved a decisive victory over the Persians in Bœotia'. It happened to be true—but was no doubt merely the reflection of a reasoned expectation of such a victory. May we not add as a similar case the story of the sage Apollonius Tyanæus, who exclaimed one day in the market-place of Ephesus that the tyrant Domitian was at that very moment assassinated in Rome. He *said* he had a vision of it, but was it not the realisation of a rational expectation? I found a most curious parallel to this story of Apollonius in a modern Serbian book. On the day when Prince Michael Obrenovitch was murdered at Belgrade, a certain peasant supposed to be gifted with second sight cried out in the market-place of Kragujevatz, 100 miles away, that 'they are slaying the good prince'. When the news of the sad event arrived next day, he was arrested as a possible accomplice of the conspirators, but was released on being found to be a respectable person with no possible connection with them. The tale may be found at length in Chedomil Mijatovitch's *Reminiscences of a Balkan Diplomatist*, with some documentary evidence subjoined.

But ΦΗΜΗ was not infallible either in ancient or in modern days, as witness such incidents as the false tale that the Turks had been completely defeated at Kossovo in 1389, which led to bells being rung in Notre Dame and congratulatory letters drafted in Italy—and as a very modern case the rumour that Sebastopol had

fallen early in September 1854, which had achieved such substantial verisimilitude at Vienna that it was telegraphed on officially to London, and led to the firing of the Park Guns for victory—followed by sad disillusionment in a few days, when no confirmation could be got from the East. Both of these were incidents that might very conceivably have occurred in fact, and can best be explained by a mere false prophecy on the part of public opinion, without there having been any dishonest and deliberate intention on any one's part.

Of course such fraudulent intent, in rumours deliberately started, is not unknown, though I think much rarer than the other source of error. Good examples are the story that Napoleon had perished in the Moscow retreat, put about by General Malet as the preliminary of his hair-brained *coup d'état* in November 1812, which nearly gave him possession of Paris. This was a political lie—the more sordid form of the 'tendencious' rumour, the Stock Exchange lie, seems to have had its first elaborate specimen some eighteen months later, when a group of financial operators who had speculated on the early collapse of Napoleon's defensive fight in Champagne found themselves about to be ruined on settling day, and worked out a most detailed imposture. They sent a bogus Russian officer to land from a smack at Dover, with news that the Emperor was defeated and slain, while the semaphores were set working to the same effect, and a separate party of supposed French officers drove through London with the same news. The speculators were thus enabled to sell out without being ruined, but were easily detected by the utilisation of the principle of *cui bono.* Who had profited by the rumour? Obviously those who had sold out, at once and without hesitation, at its first circulation, and had not waited for the further rise which would undoubtedly have come had the news of the Emperor's death been true. The incident is best remembered because the famous naval

hero Lord Cochrane was convicted, whether justly or not, along with his uncle and his uncle's partner as having been concerned in the putting about of the ingenious fiction. The case is notable as being both early and elaborate; later 'stock-exchange flams' might be quoted by the dozen, but are by no means so interesting.

The sort of false rumours that I have been quoting above were all concerning matters of high political or military import. But the Middle Ages were no less rife in popular fictions which were purely anecdotal, marvellous, or intended to act as moral warnings. Tales of ghosts, devils, or impossible natural phenomena, of awful instances of divine judgment on criminals, heretics, or blasphemers, used to pass freely from mouth to mouth, and sometimes even to get enshrined in a chronicle by some credulous writer greedy of anecdotes. For the sort of thing that would nowadays appear among the 'short paragraphs' of a halfpenny newspaper would in the thirteenth century have appealed to the less severe type of chronicler. The parallels of the gigantic strawberry or the five-ounce hen's-egg of to-day were such things as an apparition of the devil in Essex, or the swallowing up by the earth of a woman at Newbury who was adding appeals to God to rank perjury. If the place was sufficiently remote from the chronicler's abode, the story might get down in black and white. The length of time for which some of these legends passed current is extraordinary. They emerge substantially identical in outline, but with place and name and date changed, at very long intervals, and in very different parts of Europe. They were still strong in the seventeenth century, and I should not like to say that they altogether died out in the eighteenth. They were the parents of many ballads and chap-books.

But to resume the main thread of my thesis. The improvement of internal communications, and the spread all over the civilised parts of Europe of a system of

public vehicles, stage coaches, diligences, etc., was a severe blow to the prolonged life of rumours. So was the introduction of the semaphore system of long distance signalling, which enabled Paris to communicate with Strasbourg, or London with Dover in an hour or two. But semaphores were slow working, so that only very short and important messages could be passed: and they were also liable to be held up, not only for hours but even for days in times of fog, mist, or rain, when it became impossible to see one station on the line from the next, so that the working of its lights by night or its arms by day could not be verified across the many miles of space which always divided one semaphore from another.

The real death-blow to the long currency of rumours was only dealt in the middle years of the nineteenth century by the introduction of the electric telegraph, which (unlike the semaphore) was absolutely independent of weather and light; and was also much more quickly operated. In normal times of peace, and in civilised countries it enabled news to be circulated or contradicted in a few minutes over many thousands of miles. All Europe was ere long bound up in its network, the great expansion being between 1840 and 1850: the first submarine cable to France was laid in 1851, and soon the cable reached all save remote and unprogressive countries like Turkey. In 1854, when the false rumour of the fall of Sebastopol mentioned above was circulated, the only reason for which it was possible at so late a date was that the wires went no further than Austria, and had not yet been extended across the Danube or to Constantinople. But it was not till ten years later that long-distance submarine cables were first laid, so that America was still out of touch for anything from ten days to a fortnight: after one signal failure in 1857 the first permanent Atlantic cable was laid in 1866. Its first notable success, as a transmitter of news out-running the

swiftest steamer, was the arrest of the notorious railway murderer, Müller, the Crippen of his day, who had thought himself safe when he took ship at Liverpool for New York, but forgot that the newly-laid wire would have warned the American police to be ready for him a fortnight before his liner came in.

There was only one limit to the news-circulating and rumour-destroying power of the electric telegraph, and that was the Censor in time of war. It soon became obvious that free communication of military intelligence by war-correspondents and others across the wire into neutral countries might be most pernicious to the army whose movements were being reported. The cardinal instance of this is said to have occurred in the Franco-German War, where early news that MacMahon's army was marching from Chalons northward, heading for Sedan, is said to have reached the German headquarters staff long before it would have obtained full evidence of this by cavalry reconnaissance or other proper methods, because an incautious war-correspondent had been allowed to pass details practically implying a march in that direction to Brussels, from whence German agents telegraphed it to Moltke without delay. Hence came, according to the current story, the disaster of Sedan: for the French would not necessarily have been surrounded and cornered if their adversaries had not received an incredibly early indication of their move.

The artificial closing of the telegraphic communication normal in time of peace, by the censorship of all parties, has given Rumour a new lease of life in time of war, as we now realise only too well. It was quite impossible before 1914 to guess how long and vigorous that lease of life might be. Who would have believed that for a whole week Europe would be ignorant of whether Kerenski or the Bolsheviks were in possession of Petrograd, while both had their reasons for not sending out full intelligence? The result was the setting forth of

elaborate circumstantial rumours from Stockholm and Copenhagen concerning the details of the triumph of each side, all of which had many days' currency before the real facts came out. Again, early in February, 1918, it was wholly impossible to make out from the censored telegraphic despatches of both sides whether the Rada or the Bolsheviks were in possession of Kieff. When rival censors are at work, both having tendencious purposes, and neither any regard for the truth, the golden age of the unofficial rumour has come again.

I can just remember the similar phenomenon which prevailed during the Franco-German War of 1870-71, when rumours had a similar vogue. They were generally of an optimistic nature and from French sources. The putters-about of them always pretended to have good news, which the censor was holding back for some occult military reason. The majority of them had reference to the siege of Paris—the garrison had broken out, or one of the German covering armies had been completely defeated.

It must of course be remembered that so long as telegraphic news was absolutely dependent on the wire, all besieged cities were out of touch with their friends in the distance, and could only communicate with them by the rather precarious method of balloons carrying messengers, or the still more risky enterprises of disguised individuals, who crept through the hostile lines of circumvallation, and were lucky enough not to be caught on the way. How many heroic feats, like Kavanagh's carrying of the message from Lucknow to Havelock's camp, through a thousand dangers, have been rendered unnecessary in our own day by the invention of 'wireless' telegraphy, which enables a besieged garrison to keep up permanent and regular communication with a relieving force, even though a hostile army and a hundred miles lie between them. This was seen in the present war both at Przemysl and

at Kut, where the fortress was able to give the army outside whatever information it wished—in both cases to no successful effect.

But in 1870-71 Paris was absolutely cut off from the French relieving army, though it was no further off than Orleans. Hence came the numberless rumours that used from time to time to gladden the heart of Provincial France, about successful sorties and breaches in the German line. They could not be contradicted till the next balloon got over the lines of contravallation, and had a currency of many days. Paris, on the other hand, was still more badly placed for receiving news of what was going on outside, and was even more the prey of false tales which there was no means of testing. For to get news into the city was far more difficult than to get it out. As siege-diaries show, this was the classical epoch of lying rumours in modern times.

The last crop of rumours of this kind, depending on the absolute inaccessibility of a besieged garrison, that I can remember were those relating to the alleged storming of the Pekin Legations, and the massacre of all their members, during the Chinese Boxer rebellion of 1901. Twice circumstantial tales of a disaster got about, and once they were so detailed, and were uncontradicted for so long, that arrangements (as you will remember) were made for a memorial service at St. Paul's to the alleged victims. The truth only got known just in time to prevent this celebration from taking place.

Now that 'wireless' enables a besieged garrison to give news of itself down to the last possible moment, such an incident would of course be impossible. The only chance of its repetition would be in small and remote places, unfurnished with the modern appliances, and besieged either by savages, or by an enemy who for his own reasons wished to conceal the news of his success for as long as possible, so as to delude relieving forces.

Since the electric telegraph came in, the rumour in times of peace could never flourish with regard to obvious public events—in a very short time it was discovered whether they had or had not happened. But *ΦΗΜΗ* had still one sphere open—a small and undignified one—being almost confined to personal rumours about individuals more or less prominent. She had sunk into mere scandal or slander, when she had as her scope no more than tales about the approaching bankruptcy or moral downfall of Lord A. or Mrs. B. Every one has heard false tales in his day concerning the domestic or financial infelicities of some notable member of society. But this is not the kind of 'rumour' with which I am dealing to-day.

Occasionally stories of a circumstantial kind which happen to be entirely false get an unfair start, through becoming embodied in an official document which has achieved great publicity, and has circulated freely through a whole country. Examples ancient and modern are numerous. A very well-known specimen is the French naval legend of the *Vengeur*, which tells how on the 'glorious First of June' that line-of-battle ship, encompassed by many British vessels, refused to surrender, and went down with her tricolour flying and her crew singing the *Marseillaise*. Barrère invented the tale with all its details, and rehearsed it in the Convention, as a purple patch of consolation to set at the end of a notorious defeat. As a matter of fact there is ample British official documentary evidence to show that the *Vengeur* surrendered, and that the greater part of her unwounded officers and crew, and some of the wounded also, were taken off her by British boats before she went down. But, as Barrère knew when he framed his lie, British documentary evidence would not be available to the French people, and his story was certain to get a start of months and even years before any contradiction would be forthcoming. So well had he calculated that

the *Vengeur* story has not only got into all the popular French histories, but may still be seen represented in patriotic prints and pictures adorning walls a century and a quarter after the supposed martyrdom of the ship. Indeed it is only in the most specialized and well-documented modern French naval histories that it is abandoned. It may still be found in full in the respectable Duruy's two-volume history of France, which was to the last generation of French schoolboys what Green's *History of the English People* was to their English contemporaries.

There is a similar legend now afloat in Germany which bids fair to have as great a success as Barrére's *Vengeur* story. It is the tale that, two days before the outbreak of the present war, on August 1, 1914, French aviators dropped bombs far inside the German frontier in violation of all rules of international law, with the object of destroying railways. This was a mere newspaper invention, circulated by Wolff's Bureau through the length and breadth of Germany: but it was taken up as a useful weapon by the Berlin authorities. And the story that bombs were dropped near Wesel in the Rhineland, and also at or near Nuremburg, figures both in the declaration of war document served on the French Government, in Chancellor Bethmann Hollweg's speech to the Reichstag on August 4 on the justification of the German policy, and in the official *communiqués* circulated by the press. With this backing it is now firmly established not only in popular legend, but in the dozens of 'general histories of the Great War of 1914,' some of them very sumptuous and illustrated, which have begun to appear beyond the Rhine. Nevertheless there is no truth in the story whatever: the Nuremburg incident was formally and officially contradicted by the Bavarian general commanding the military district in which that city lies. But as it was only contradicted in 1916, when the story had got well abroad, and only in one or two

local newspapers, the lie has had such a start that it is already accepted history. As to the Wesel flier, who according to the official *communiqué* was actually shot down, and therefore must have been either killed or captured, nobody has ever heard of him again since August 4, 1914, though his name, the character of his machine, and the place of his burial or internment would obviously have been forthcoming at once, if he had ever existed, since the act would have been such a precious asset in the setting forth of the German justification for war. The French Government has issued a formal denial that any French aviator crossed the frontier on that day, and an equally formal declaration that the first casualty in the French flying corps did not occur till more than two days after, long subsequent to the formal opening of hostilities. The German public does not see French official documents; and in any summaries of the events just before the outbreak of war which you may find printed in enemy lands, the Wesel and Nuremburg incidents continue regularly to crop up. So efficacious is a long start for an official lie, that it may circulate for years in full vigour. Scores of years after its issue, only a small number of professional historians in the country concerned with its framing will know its real character, and many of them will not go out of their way to stigmatise it for what it was.

These were 'tendencious' falsehoods, made or used by responsible official persons for a definite political end. But there are many more instances where a perfectly truthless rumour has been spread abroad by unauthorised and irresponsible persons, till it has achieved a widespread circulation, and has in some cases had considerable results on the envisagement of the situation of the moment by a whole people. Generally such stories are believed because they are convenient to those who wish to credit them, as throwing moral blame on enemies, or ministering encouragement to those who

feel their need of it, or giving a plausable explanation of a puzzling political problem.

To this class of popular legends belong such tales—to take an old instance—as that of the Warming-Pan imposture at the birth of the Old Pretender. We cannot trace it to any definite Whig inventor, but it was a useful lie to the party, and was believed because it was convenient. It penetrated at once not only into mouth-to-mouth circulation, but into pamphlets, popular songs, and even political medals. Many years elapsed before it died out as a useful taunt to administer to Jacobites. It was, we may incidentally remark, the last example in English history of an old type of anti-dynastic rumour, which was intended to throw doubt on the legitimacy of a king or an heir to the throne—earlier and exactly parallel cases had been the Yorkist accusation that Edward Prince of Wales (the boy who fell at Tewkesbury) was not the true son of Henry VI, the much more far-fetched Lancastrian counter-cry that Edward IV was not the child of Richard Duke of York, and the better-known story put about by Richard III officially, that his nephews were illegitimate, because their father had been secretly betrothed or even married to another lady before he ever saw Elizabeth Woodville, so that his union with her was bigamous.

A later example of a groundless lie which ran far afield and had considerable political results was the panic during the French Revolution called 'La Grande Peur,' a wild story of a hypothetical royalist conspiracy for a general massacre of patriots, which led to the general embodiment of the National Guard and many isolated outrages against royalists, though it had no foundation whatever. Attempts have been made to trace the origin and deliberate spreading abroad of the rumour to the *entourage* of Philippe Egalité, Duke of Orleans, but with no success. The rumour seems to have had no traceable parentage, but it undoubtedly served the pur-

poses of the revolutionary party. In this case we may say that a phase of national psychology was the real explaining cause—the attitude of fear, anger, and suspicion was the parent of the necessary legend to justify its existence.

That such rumours are not impossible in our own day, when it might have been thought that the facility of internal methods of communication would have rendered them impossible, was sufficiently shown by the story of the 'hundred thousand Russian troops from Archangel' which was so universally current for four or five days in the whole of England during the later part of the month of August in 1914. Probably every one here present was more or less the victim of this rumour. I had attached little credit to it till, on the third day of its circulation, I got by one post three letters, one from a friend in South Gloucestershire saying that there were Russians at Avonmouth, only a few miles from him, a second from another friend in the Isle of Wight, saying that he had been watching steamers with Russians on board emerging from Southampton Water, and the third from Oxford, to the effect that numerous troop-trains laden (as my informant was assured) with Russians had been passing through Oxford station on the way to Southampton all the previous night. Then, I must confess, my doubts wavered, for all my three correspondents were writing from a very short distance from the places where the Russians were supposed to have been. It was only when days passed, and no credible person would vouch to having had an actual view of our imaginary allies, that one gradually realised that the true parent of the story was the general appreciation in England that reinforcements were badly needed at the front, and a wish that they should appear from somewhere, with a consequent legend that they had actually arrived. In fairness to the public it must be remembered that every one could see good reasons for

reinforcing the Western front at that moment, when we were so hard pressed at the end of the Mons retreat. Moreover there was no actual physical impossibility in transporting considerable bodies of men from Archangel to the Northern parts of Geat Britain. The public could not know then, as we all know now, that Russia had no large surplus of trained battalions to spare at the moment; her resources were believed to be unlimited, and available. Moreover, there was just the slightest base of fact for the rumour, as there chanced to be at the moment a considerable body of Russian military and naval staff officers collected at Edinburgh, who were making arrangements for the development of the traffic to and from Archangel with the British staff in Scotland, while at the same time appreciable numbers of Russian reservists were passing into Liverpool from Canada and the United States, having been summoned to join their colours in Europe. I believe that at the most there were 5000 or 7000 of them, and they were of course all without uniforms and not moving in military units. How far this slender base of fact was responsible for the spread of the rumour I do not pretend to say; but in the form which the rumour took there was little relation between the foundation and the superstructure.

Yet we should remember that there was nothing absolutely impossible in the story, except the numbers of the arriving allies, for similar movements have been in reality carried out in the course of the last two years. On one occasion Oxford station was really full of foreign friends—three train loads of Italians, Austrian subjects who had been conscripts, had been captured by the Russians, and had volunteered from the Russian prison-camps for service in the Italian Army. They did perform the extraordinary circuit from Galicia, where they had been taken prisoners, through Russia to Archangel, from thence by the Arctic Ocean and the North Sea to Britain, and so by Southampton to France and

the Mont Cenis tunnel. As a long account of their welcome at Turin by Signor Boselli appeared in the newspapers freely, there is no harm in mentioning the incident. And a similar circuitous voyage was performed later, by a body of Austro-Slav volunteers, who volunteered from the Russian prison-camps to join the Serbian Army, and came round from Archangel just as did the Italians. The rumour of 1914 was therefore not quite so absurd as some people have styled it. At the same time, I believe that its origin must be sought rather in the psychological needs of Great Britain at the moment than in the small foundations of fact that I have mentioned above. The majority of the people who spread the rumour would have been quite unable to give reasonable grounds for demonstrating that the tale which they were disseminating was physically possible so far as transport and movement of troops went.

The memory in the imaginary Russians in the summer of 1914 suggests another curious psychological phenomenon of that time, or rather of some few months later—for it was most diffused in the spring of 1915, the wild tale of the 'Mons Angels'. This had a vast popularity in April and May: in the form which it took in most cases it has been traced back to a letter in a local magazine from Clifton. The version there given was that on an unspecified day during the Mons retreat German cavalry had got round the left wing of the retiring British Army, and bid fair to take it in flank and roll it up with disastrous consequences, when a whole troop of shining figures was seen interposed between this advanced cavalry and the British flank. 'The Germans to our amazement stood like dazed men, did not bring up their guns, nor stirred till we had turned off and escaped by some side-roads.' One of the supposed narrators in this magazine added his personal experience—his company was retreating to a position where it seemed possible that a stand could be made, but before they could reach it the

German cavalry were upon them. They turned therefore and formed up, expecting nothing but instant death, when to their wonder they saw between them and the enemy 'a whole troop of Angels. The German horses swerved round and regularly stampeded. The men were tugging at their bridles, but the poor beasts tore away in every direction from us.'

The writer of the article in the magazine was traced, and confessed that the story had not come directly from the supposed narrators, with whom she had no personal acquaintance, not even being certain of their names, and must be regarded as purely anonymous and not claiming to be more than hearsay. No indication of this had been given in the magazine, where parts of the narrative were couched in the first person, as if taken down from the mouth of an actual witness. There seemed some reason to believe that the whole story had its ultimate source in a work of fiction, a tale called *The Archers*, published in September 1914, by Mr. Bernard Machen, in which St. George and a company of supernatural archers were represented as standing between the retiring British and the advancing Germans who were out-flanking them. A correspondence concerning this supposed fictional source continued between Mr. Machen and Mr. Harold Begbie in the *Evening News* of August and September 1915, and resulted in producing the impression that while Mr. Machen's story was largely responsible for some of the details of the angel-story, there was a substratum of other origin. That is, there were certain British officers who thought that there was something odd and inexplicable in the way in which the enemy refrained from pressing the wing of the Second Army Corps on the morning after the battle of Le Cateau. It is now presumed that the Germans were dead beat, and had suffered so severely in the battle that they had no power to press hard upon the retreating force, which appreciated the danger of its own position in the acutest

way. They were tired out, and conscious that they were in no condition to fight another action. Among the numerous letters which cropped up during the controversy in the *Evening News*, there were two or three which are worth noting. The authors gave their names, and were undoubtedly present on the spot on that day. But their evidence is not about 'Angels,' but about hallucinatory French cavalry, covering the flank of the retiring corps, which vanished in an inexplicable fashion when the crisis was over. One witness, a colonel, writes [Sep. 14]:—

'The brigade to which I belonged was rear-guard to the division, and during the 27th we took up a great many successive positions to cover the retirement of the rest of the division; by the night we were all absolutely worn out with fatigue, both bodily and mental. No doubt we suffered also to a certain extent from shock, but the retirement was continued in excellent order, and I feel sure that our mental faculties were still in good working condition. On the night of the 27th I was riding along in the column with two other officers, we were talking and doing our best to keep from falling asleep on our horses.'

The narrator says that he suddenly became aware of a very large body of horsemen in the fields on their flank, moving parallel with them, and covering them. He watched these squadrons for some twenty minutes, and spoke about them to the two officers who were in his company. 'So convinced were we that they were real cavalry, that at the next halt one of the officers took out a party to reconnoitre, but could find no one there. The night then grew darker and we saw no more. The same phenomenon was seen by many men in the column—of course we were all dog-tired and overtaxed, but it is extraordinary that the same phenomenon should be witnessed by many different people. I am absolutely convinced that I saw these horsemen, and that they did not exist only in my imagination.'

The other narrator says :—

'We had almost reached the end of the retreat, and after marching a whole day and night, with but one half-hour's rest, we found ourselves on the outskirts of Lagny, just at dawn. As the day broke we could see in front of us large bodies of cavalry, all formed up in squadrons—fine big men on massive chargers. I remember turning to my chums and saying, "Thank God! We are not far off Paris now. Look at the French cavalry." They too saw them quite plainly, but to our surprise on getting closer the horsemen vanished, and gave place to banks of white mist, with clumps of trees and bushes showing dimly through them. When I tell you that hardened old soldiers were marching quite mechanically along the road, babbling all sorts of nonsense in sheer delirium, you may well believe that we were in a fit state to take a row of beanstalks for all the Saints in the Calendar.'

It will be noted that both witnesses speak of the utter fatigue of the marching column, but that the one thinks the hallucinatory cavalry was misrepresentation of shadows of the night and mist by tired eyes and brains, while the other thinks there was more than imagination, only he will not vouch for what it was.

Whatever the right interpretation, there can be no doubt that many men on the exposed British flank, acutely conscious of the danger of an out-flanking pursuit, thought that they saw large masses of cavalry covering them, just where they were wanted, for a considerable space of time, and then found that the supposed cavalry had melted away into nothing. Was it a case of the need producing the supposed remedy? Or may we conjecture that for some time there were real French cavalry on the flank, which withdrew by some cross-road without being noticed at the moment of their departure? At any rate there is scant foundation for a legend of angels, though some definite evidence for what the beholders regarded as a welcome appearance of a non-existent force.

The story of the Mons-Retreat angels has undoubted relations in its extreme and fully developed form, after it had been improved by passing through many magazines and newspapers, with an ancient form of legend, that of the visible supernatural champion who comes to help the army of his race or of his faith in a moment of supreme need. You can trace this back to Herodotus and the ghostly heroes who were seen fighting in the Greek ranks against the Persians. There is a fine example of it in early Roman history, in the story of Castor and Pollux at the battle of Lake Regillus, familiar to every schoolboy from Macaulay's *Lays of Ancient Rome.* But it is by no means confined to classical days—some of the more respectable chroniclers of the Crusades have a circumstantial account of the apparition of St. George, in shining armour and on a white horse, to lead the exhausted squadron of the Crusaders at the great battle of Antioch in 1098. It is more surprising to find that Santiago, who from a pilgrim-apostle had developed into the military saint of Spanish chivalry, not only manifested himself in several battles with the Moors in the 10th and 11th centuries, but was seen as late as 1519 rallying the *conquistadores* of Cortez, when they were in danger of being overwhelmed by the masses of the infuriated Mexicans. But there is a more extraordinary story than this to finish up the tale of supernatural warrior-leaders. My Serbian friends assure me that there is no doubt whatever that in the Balkan War of 1912 many of the Serbian rank and file thought that they saw Marco Kralievitch, the hero of mediæval Serbia, riding on his white horse in front of the battalions that stormed the almost impregnable Turkish positions in the fighting that followed the battle of Kumanovo. And it was not mere isolated visionaries who declared that they had followed him, but whole companies and brigades. They saw the white horse ride up impossible slopes, and clambering after burst through line after line of Turkish trenches.

After this, who will think the assertions of the companions of Cortez very remarkable?

A much more commonplace and comprehensible rumour of the present war is one that was current almost everywhere about the middle of August 1914, when the news ran that the German High Seas Fleet had come out, and had fought a general action with our own, somewhere in the North Sea. The versions only differed as to the relative losses, our own were always stated to be heavy—the German even heavier. There was no truth whatever in the rumour, which reached as far as Iceland: a friend told me that he had it in full detail at Reikiavik about August 12—the same day that I was told it myself at Pitlochry. This was, I think, simply the result of a universally current idea that the German Fleet *would* come out, for the strategical purpose of threatening the British coast, in order to prevent our army from being sent overseas to Belgium. Public opinion was wrong, and misjudged the psychology of the German Admiralty, which was not at that time prepared to stake its fleet-in-being on a very doubtful hazard, to secure an insufficient end. For undoubtedly at that time the all-highest command on the other side of the North Sea thought that our 'contemptible little army' would make no difference one way or the other, whether it crossed or did not cross to the continental seat of war.

It will be noted that most of these rumours had their chance of life granted to them owing to the artificial hindrance to the free diffusion of information, which does not exist in normal times of peace—the existence of the censorship. I set aside the Mons Angels and Marco Kralievitch as belonging to the frankly supernatural; but the stories of Russian troops in Britain, or of 'scraps' on a large scale in the North Sea, could only be circulated for more than a few hours on the hypothesis that there were political or strategic reasons for the censor's keeping back the information. The reason would be obvious

enough in the case of the Russian reinforcements, less easy to discern in that of the alleged naval battle. But the public credits the censorship with gratuitous stupidity, and reticence of the most senseless kind, so that it was not impossible for the circulator of rumours to gain acceptance for his tale for at least a day or two. He could point out cases, indeed, where reticence had in real truth been protracted for an unconscionable time, as for example the late acknowledgment of the loss of a certain well-known battleship early in the war. Every one can guess at plausible reasons for its being held back for a certain time, but it was the prolongation of the time which gave rise to comment. In this case rumour was (by way of exception) founded on fact: it is one of the few prominent instances of the kind, however, that I can recall. As a rule, the tales, whether optimistic or pessimistic in tone, rest on no solid foundation, and are simply the expression of expectations, well founded or ill founded according to the amount of data at the disposal of the imaginative original starter of the legend. There was a curious example of the kind afoot early in this year, 1918, to explain a phenomenon obvious to every one yet inexplicable to the majority.

As every one knows there were no air-raids on London between December 16, 1917, and January 28, 1918. By the time that the January full moon had been reached, all sorts of absurd rumours were current as to some new scientific invention having been discovered (I will not give the elaborate descriptions of it which were detailed to me) which would make all further raids impossible. On the 28th came another visitation in the usual style, and the story of the invention fell flat. It was simply an attempt to explain an observed fact, made by imaginative people with no scientific knowledge whatever; for the details given were impossible, as experts explained to me. This was an absurd optimistic rumour: there have been plenty of mistakes of the opposite kind,

rumours of an equally irrational pessimistic cast, which anyone here present can recall for himself. I abstain from particularising for reasons of discretion: but they were for the most part attempts to account for facts that were worrying persons of a downcast frame of mind, by the invention of the most unpleasant possible explanation that could be devised.

You will observe that I have kept myself to-day entirely to rumour in the strictest sense of the word. There is a whole section of psychological phenomena of an allied sort which I have left untouched of set purpose. This is the section that I may label with the heading of prophecies. It may not be generally known that there is a small occultist literature in existence with regard to the war; in the National War Museum we have some dozen books printed in all parts of the world, England, France, America, Germany, which recall the predictions of Nostradamus, Trithemius, Mother Shipton, or (in a slightly varied form) of the late Dr. Cumming and Madame de Thebès. The latter, I believe, died while the war was actually in progress, not without having uttered some of her usual type of vaticinations.

This kind of literature can hardly be called 'rumour,' since it is generally printed, and not passed from mouth to mouth, and since it does not pretend to deal with the present but rather with the near future. The few books or leaflets that circulate to-day are the last survivors of a very ancient and prolific race. Prophets who see visions and write them down for the purpose of influencing wars, politics, or it may be morals, have always existed. They run into the lines of the ancient oracles and apocalypses at the one end, and into those of the modern tendencious pamphlet at the other. But I cannot call them rumours, though they sometimes reflect the current and popular expectations of the multitude. Of course the file of prophecies would not be complete without one or two pretending to be exhumed from forgotten mediæval volumes,

and others identifying the German Emperor (like so many other hated characters of the past from Nero to Napoleon) with the beast's little horn in Daniel, and No. 666 in the Book of Revelations. The professional prophets have been on the whole very unfortunate in their prognostications concerning the details of this war. Nor do I wonder at it; the expectations of much wiser men than the sort of people who compile such stuff have been unfulfilled. Who, in England, France, Germany, Russia, or America, would have foreseen in 1914 the exact state of military affairs that we see to-day. The makers of forecasts with no pretence to supernatural knowledge were mostly by way of promising us an end of the struggle in three months, or a year, or two years. And the Germans have been equally ill-served by their makers of military prognostications, as witness the six months' submarine work that was to bring the British Empire to ruin.

With prophecies we may exclude, from the list of things to be dealt with, dreams, portents, and visions, except when they have been much passed round by the public mouth or the printing press, like the Mons Angels, of whom I spoke above. Usually they are literary productions, not genuine examples of the credulity of the multitude; and they have had small success for that reason, because the vitality of a rumour depends on the condition that the recipients and passers-on of it should believe that they are dealing with a something genuine, and not a work of fiction. Perhaps one may add that dreamers of dreams and seers of visions have not as a rule the art of making themselves credible—they are too often obviously set on forwarding some theory or crank of their own, which emerges too clearly, and enables the reader to see that he is in reality confronted with nothing more than a tendencious pamphlet in verse or prose.

My subject is one of a rather incoherent character —does not Virgil describe 'Fama' as *monstrum informe*

*ingens?* I fear that the Society may think that my treatment of her has been equally incoherent. The strict logical arrangement rightly loved by the historical mind is hard to secure, when we deal with such an elusive topic. All that I have tried to do is to lay before you suggestive deductions from many and various examples of rumour. And if you ask me, in the good mediæval style, to put a moral at the end of my discourse, in the manner of the delightful authors of the *Gesta Romanorum*, I am afraid that my moral must be a very old-fashioned one, to wit, that we are the children of our fathers, that we should not jest too much at 'mediæval credulity,' and that we should recognise in the rumour-phenomena of our own day the legitimate descendants of those which used to puzzle and amaze those ancestors whom we were too often prone to regard with the complacent superiority of the omniscient nineteenth century.

# TRACES OF PRIMITIVE AGRICULTURAL ORGANISATION AS SUGGESTED BY A SURVEY OF THE MANOR OF MARTHAM, NORFOLK (1101-1292.)

By the Rev. W. HUDSON, M.A., F.S.A.

*Read January* 10, 1918.

Among the Surveys of the Manors of the Prior of Norwich contained in the volume known as Stow MS. 936 in the British Museum is one which has features of special and, it might even be said, of unique interest. It is the Survey of the Manor of Martham with which the series is concluded. The whole compilation, unfortunately, is in a defective condition. The first folio begins in the middle of a sentence under the heading 'ham,' the last syllable of the word 'Hindringham,' the beginning of which was on the preceding folio now lost. In other places also the record is abruptly broken off. The series was apparently commenced soon after the appointment of William de Kyrkeby to the Priory in 1272, and was continued at various dates, the survey of Martham being made in 4 Henry de Lakenham 1292.

The nine manors previously surveyed are contained in thirty-six folios. The surveys follow the usual plan. First the lord's 'demesne' is described and then follows a list of tenants with their holdings and various services. The Manor of Martham is much more fully treated. Though by no means the most extensive of the Prior's Manors, its survey, commenced on folio 37, is continued

to the end of the volume on folio 115, thus occupying twice the space of all the other nine. The method adopted is this. After a short description of the lord's demesne, we have a sworn statement of 'lands, rents, customs and all services of the Manor of Martham in the fourth year of H. de Lakenham Prior'. Then follows a list of 107 tenants who are stated to have 'formerly held' certain amounts of land subject to certain services. In the case of each holding is added 'of which there are now [1292] so many tenants,' frequently amounting to more than ten. The total number of separate holders of these portions of the 'former' tenements is 935. Each of the sub-holdings is entered with the fullest detail. That is to say, the 107 earlier units having been bundles of strips scattered throughout a number of open fields, the 935 sub-holders have scattered strips which in the aggregate amount to 2021. Under the names of the sub-tenants every one of these strips is described with the name of its field, the tenant whose land it adjoins, and the land or road on which it abuts at its narrow end. In this the survey resembles an Elizabethan survey of later times, only there the tenants are arranged in their 'fields' and 'furlongs,' here they are grouped under their organised 'tenements' as preserved on the Manorial Roll.

It is fairly obvious that the public acknowledgment, if possible, of the existence of these 'Tenemental Units' (as we may call them) was a matter of vital importance to the lord in the demand for the customs and services due from his tenants. For, as this survey shows and as is well known from other sources, the subdivision of tenancies among a great number of owners of small fractions had seriously developed in East Anglia in the thirteenth century, to the lord's great inconvenience. His remedy was partly to make the burden attach to the *land* and not the person, and partly to preserve a knowledge of the 'unit' to which each strip belonged.

From a student's point of view the method employed in this Stow survey suggests more than one opening for investigation. The 107 'former' tenants were not, of course, so many heads of separate families but were, perhaps, included in about two-thirds of that number. And the 935 later 'sub-tenants' of the same holdings practically belonged to much the same families. Their complicated grouping in the various fields, especially at the later date of 1292, presents us with a vivid picture of a community bound together in a network of association which can hardly denote anything but constant intermarriage of families.

This leads to a further conclusion. All the tenants (with scarcely an exception) are said to hold their lands (as to two-thirds of them) in socage or (as to one-third) in villenage. Yet both the lands and the tenants are so completely intermixed that it is hard to resist the conviction that the tenants were all lineally sprung from the same class and worked together without much regard to their personal status.

Moreover, in this particular case a still more tempting suggestion offers itself. The existence of the 'former' tenements must surely carry us back two or three generations from 1292. This is important because we know the exact date of the first formation of this feudal manor. It was some fourteen years after the Domesday Survey that the then Bishop, on founding the Norwich Priory, gave his land at Martham as an organised manor, with a demesne worked by customary tenants,[1] for the maintenance of the monks (ad victum monachorum). And we have evidence (as I think we may take it) that, both before and after the Conquest to that time, the land was occupied by *free* tenants who, under the Bishop's commendation, held it on the conditions of an Anglo-Danish village community. I shall endeavour to give some

[1] This is the sense in which 'manor' and 'manorialise' are used in this paper.

reasons for the assumption that the 107 'former' tenants were the natural successors (some, perhaps, lineal descendants) of the Domesday occupants, and suggest some account of their passage from 'freedom' to a less honourable but possibly more secure condition as customary tenants in a manorial organisation. Finally, it may even be thought that this organisation, in its agricultural features, may have been a continuation (under different conditions) of an agricultural organisation originating so far back as the days of the earlier Angle settlers.

*Tenemental Subdivision of Ownership.*—In order to illustrate the freedom of the tenants in this practice and the causes which led them to it, I may (before coming to the Martham Survey) draw attention to a very valuable series of Court Rolls of the Prior's manor of Hindolveston in Norfolk[1] running with only one break from 1309 to 1326. There are sixteen full years with the records of fifty-six courts. The surrenders of lands and concurrent admissions form a very considerable item in the usual business. During the whole period no fewer than 740 surrenders are recorded. This makes an average of forty-six for each of the sixteen years or of thirteen for each of the fifty-six courts. The causes, so far as they can be gathered, may be thus summed up. The death of a tenant is the cause of seventy-four. The next heir is specified and admitted. In seventy-three cases a tenant in his life-time transfers pieces of land to a son (or sometimes a brother); in forty-six, similarly to a daughter (or sister); in seventeen to some one not a member of the family. In more than half of these 136 cases of transference the surrendering tenant reserves his tenure for his life. Several of these years (about 1315-1319) were years of exceptionally bad seasons, and in 1319 it is recorded in two cases: 'This surrender was made because

[1] This and many other Rolls were kindly lent to the writer and Mr. H. W. Saunders for examination at the Public Record Office by the Dean and Chapter of Norwich.

the land was sold through great hunger (pro magna fame)'.[1] There is good reason for assigning more than fifty surrenders to this cause. Another not infrequent cause was what we may call marriage settlements, the transaction ending with a 'licence to marry' granted to one or both of the parties. Most of the surrenders, however, have no ostensible cause and were evidently matters of private convenience. In all cases specific mention is made of a person to whose 'use' a new admission is desired. The admission may be delayed on some technical point. But in no case does the lord claim any arbitrary right to dispute the change. And the lands held in villenage are dealt with as freely as those held in socage, the lord's rights being preserved by such forms as 'at the will of the lord,' 'according to custom and services,' and such like.

The *Survey of the Manor of Martham.* This has already been partly described, but some further details may be given:—

1. The Lord's *Demesne* consists of

(*a*) Arable land, 168 acres, 3 roods, 16 perches, value £17 8s. 4½d.

(*b*) Several pasture, scythable (falcabile) meadow and turbary, 25½ acres, ½ rood, 9½ perches, and 8 p. of 1 ft. breadth.

Total 217½ acres, 1½ roods, 18 perches, and 8 p. of 1 ft. breadth.

(*c*) The Messuage by circuit contains 3 acres, 1½ roods, 8 perches, and is valued yearly at 4s. with its fruit.

2. Then follows the exhaustive list of 'former' tenants with the present subdivisions of tenancy and all the strips of land held by the sub-tenants with their several abuttals. This (the main portion of the record) extends from folio 37*d* to folio 112. It is summed up as follows:—

[1] For the great famine of this period cf. Rogers, *History of Prices*, i. 198; Blomefield, *History of Norfolk*, iii. 76.

| | £ | s. | d. |
|---|---|---|---|
| Sum of Rent of Martham | 9 | 16 | 7¾ |
| ,, ,, Aid | 3 | 14 | 7¾ |
| ,, ,, Average of (de) Villenage and Socage | 1 | 0 | 0¾ |
| ,, ,, Working (operabilium) days in autumn | 356 days | | |
| ,, ,, Boons (xij$^{xx}$ jdi) | 241½ ,, | | |
| ,, ,, Mondays | 20 ,, | | |
| ,, ,, Hoeing Corn (xj$^{xx}$ ijdi) | 222½ ,, | | |
| ,, for Ditching | 0 | 1 | 10½ |
| ,, ,, Carting Manure | 1 | 2 | 3 |
| ,, ,, Making Malt and Threshing (flagellatione) of the whole Vill | 1 | 18 | 0¾ |
| ,, of Hens (v$^{xx}$ et iij) | 103 hens | | |
| ,, ,, Lands ([1] DCV$^{xx}$ et iij) | 823 acres | | |
| ,, ,, Harrowing of (de) Socage | 27 days | | |

3. After this comes the statement: "We have told (dictum est) of arable lands and their services and customs. There follows of Turbaries and their rents. And be it known that all the Turbaries (omnia Turbarum) lie in the Marsh which is called Suthfen and head (accapitant) upon the Bruary which is called Martham Lyng. Therefore a beginning is made at one side, and we follow until we have reached to the other."

These 'Turbaries' (which would supply the tenants with fuel) consist of portions of the size of 1 acre or ½ acre and pay a rent of 1d. per acre. The total amounts to 36 acres held in 33 portions, more than one tenant often sharing a portion. The tenants, as may be expected, are among the holders of the previously mentioned arable lands.

With the Turbary Rents are included 1 meadow rented at 6d. and 5 abuttals at 6d. Added to these are 2 abuttals at 10d. each.

4. Then 'There follows of the tenement formerly (quondam) of Simon de Len and previously (prius) of villenage'. Four tenants (with varying customs) are mentioned, and their combined holdings contain 20½ acres.

[1] The long hundred (D = 600, C = 120) is in frequent use in these Manorial documents.

5. The survey closes with 'Libere Tenentes,' a heading which stands over 2 tenements only. One, of 2½ acres, 'formerly held' by Thomas Syk is now held by 5 persons, 3 of the family of De Syk. The other, of 3½ acres, is held by 2 brothers. Both tenements contribute small rents only. Finally 4 persons hold 1 abuttal each, paying in all 2¼d. The ½d. rent for each of the first two is said to be 'wrongfully taken by Roger Bavent,'[1] who held a large amount of the adjoining land outside the manor.

The '*Former*' *Tenants.* We will now consider this list which is thus introduced :—

'Of lands rents customs and all services of the Manor of Martham In the 4th year of H. de Lakenham Prior by such [men] sworn viz. : Robert Stannard Roger Auaunt Robert de Sco Alexander de Sco Roger Rede Gerard Stiward Hubert Edmund Humfrey de Syk Robert Blakyng junior Roger Bolle John Elsy William Yware Nicholas Berte Robert Orger Ralph Prudume Roger Walter William Pethun Richard Pethun Robert de ffaldgate and Robert Erl who say that

Mulf x acr. 'Roger de Hil formerly held 10 acres of land which are called Mulelond and he pays therefor yearly "ad censum"[2] 4s. To Aid 11¾d. And he shall do 3 boons in August, price of a day 1½d. at the lord's food viz. for the first boon 1 repast to wit bread potage ale and 1 dish of flesh and cheese or milk, likewise for the others, for every boon 1 repast, that is to say bread potage 1 dish of fish and cheese or milk. He shall carry (averabit) to Norwich one load (averagium), viz. the

Noa de meet. seventh part of 1 mett, and 1 mett as it is called contains 4 seams[3] of barley or of malt and he shall have there 1 loaf and 1 gallon (galena) of ale. If he does not carry he shall give 1d. and ½d. He shall cart (cariabit) for 1 day in August if he has his own cart and if he has not a cart he shall come only (tū? tantum) if he shall have been asked (precat') and he shall have there for carting or for himself with a fork (pro se cum furca) 1 repast viz. bread of wheat potage ale flesh on a

[1] He married Elizabeth daughter of Mathew Gunton, a large landowner in this neighbourhood, and must have been connected with the Sussex family of De Bavent, lords of the Manor of Wiston. (See Sussex Archæological Collections, Vols. LIII and LIV.)

[2] Rent. [3] Summa, horse-load = 1 quarter.

flesh day or fish on a fish day. He shall make malt viz. the seventh part of 1 mett or he shall give 1¼d. He shall flail (flagellabit) for half a day without food or he shall give ½d. He shall plough if he have his own plough with as many beasts (averiis) as he has in his own plough and he shall have for an entire plough 3 loaves as large as can be made, 40 loaves of 6 bushels of barley (iij panes quam magni fieri possunt xl panes de vj bus'ordei) and 9 herrings. But if he has not got his own plough he does not plough. He shall harrow for half a day after noon whether (quamvis) he has his own horse (affrum) or not with 1 horse or he shall give 1d. And he shall give 1 hen and 5 eggs of the price of 1½d.

'Of which there are now 11 tenants viz.

'Robert de Hil senior holds 1 acre and 1 rood 23 perches and 6 feet, of which ½ acre lies in his own toft with a messuage next the land of Geoffrey Brunstan on the west and abuts on the King's way which leads from Martham to Reppes towards the south. Also 3 perches and 6 feet lie in the field of Rollesby next the land of John Bene on the south and abut upon the land of Geoffrey de Sco towards the west. Also 26 perches and 12 feet lie in the field of Rollesby next the land of William Richild on the north and abut upon the land of Robert de Sco towards the east. Also 20 perches lie in the field of Sco next the land of Alexander de Sco on the north and abut upon the land of Nicholas Drie towards the west. Also 10 perches lie in the field of Sco next the land of Robert Sangestrye on the north and abut upon the land of Roger son of Richard towards the west. Also 13 perches and 6 feet lie in the field of Sco next the land of Geoffrey de Sco on the east and abut upon the King's way which leads from Martham to Reppes towards the north. Also 26 perches and 12 feet lie in the field of Sco next the land of John Walle on the east and abut upon the King's way which leads from Martham to Reppes towards the south. Also 10 perches lie in the field of Martham next the land of Humfrey de Syk on the west and abut upon the land of Robert de Syk.'

Then follows a detailed description in similar form of the other 10 present holders of portions of the former tenement of Roger de Hil.

The second 'former' tenement is that of a typical holding in villenage.

Werk. 'Thomas Knight held formerly 12 acres of land of villenage which is called 1 eruing and renders therefor yearly of census 16d. To Aid 14d. He shall do 16 working days in August and for every day he shall have 1 repast viz. bread and fish. He shall hoe 10 days without [the lord's] food, price of a day ½d. He shall cart to Norwich 6 cartings or shall give 9d and he shall have for every carting one loaf and 1 'lagena' of ale. Also for ditching 1d. He shall make for malt 3½ seams of barley or shall give 6d. Also he shall flail for 12 days or shall give 12d. He shall plough if he has his own plough and for every ploughing he shall have 3 loaves and 9 herrings and if he has not his own plough he shall not plough. He shall harrow at rye oats and fallows (falihes) as his partners (socii) whether (quamvis) he has his own [2] [? harrow] or not. For carting manure he shall give 12d.

It is to be known that 12 acres of villenage are called 1 Eruing. And every tenant of 1 Eruing shall do in all things as is aforesaid concerning the tenement of Thomas Knight. And there are held (habentur) in Martham 22 Eruings and 3 acres of villenage. And all these shall harrow all the land of the Hall except the lands required (quesitis) for rye oats and fallows.

Of which 12 acres there are now 12 tenants viz. :—'

Then follow the details of these 12 sub-holdings.[1]

The archaic word used for a full villenage tenement deserves notice. It is always written 'eruing'. The letters in the MS. are very carefully formed. Once or twice the form 'erving' is used. It is possible that this pronunciation was adopted. The word can hardly be anything else than the Saxon 'eriung,' ploughing. For the present we may take it as expressing (originally) the obligation of the holder of the land to furnish a certain portion of a plough-team.

The term 'mulelond' used of Roger de Hil's land is of common occurrence in Norfolk. 'Molmen' were

[1] A list of the "former" tenements with some details is given in the Appendix. Present difficulties have prevented its being set out in tabulated form, but it may serve to verify and illustrate the statements in the text. Specimens are also given of some of the tenements as subdivided in 1292. A list of the turbaries is added.

[2] M.S. Suam? herciam.

customary tenants distinguished from villeins chiefly as not being liable to the regular week work throughout the year. After Roger de Hil the similar tenants down to No. 18 are said to hold land 'in socagio'. From that point to the end they are said to hold land 'called mule-lond'. There can be no distinction of tenure intended, for in the margin (in a slightly later hand) all the lands of the tenants are throughout distinguished as either 'mulñ' or 'werk,' whereas in the Summary they are all described as 'villenage' and 'socage'.

We cannot assign any definite date to this list. It does not appear to have been taken from any existing record. It must have been the result of family or local tradition going back with more or less certainty to the holder of a definite unit. Once only is a date mentioned. Richard Gemere 50 is said to have received his first holding 'de novo[1] Tancrede Prioris'. He was Prior 1170-80.

It must be noted that there is scarcely a single holder of villenage land who does not also hold land in socage. The significance of this fact will appear still more clearly in the list of the tenancies in 1292 in the Appendix.

The amount of 22 eruings and 3 acres stated to be reckoned in Martham would (at 12 acres each) be 267 acres. The actual number recorded, in whole or fractions, is 20½ and ⅛. It may be observed, however, that Nos. 27-30 contain 15 acres held in villenage and yet not specified as portions of eruings. Also 54 with 3 acres 3 roods is so treated and in 52 no notice is taken of 20 perches. With these additions the required amount is very nearly reached.

Very noticeable are the details of Nos. 27-30 (Walter son of Hugo, Will. Leve, Thos. Lom, and John de Bruerio) which are even more striking in the actual text. Each of these four tenants is said to have 'formerly

[1] Some word such as 'assarto' seems to be wanted.

held' 3½ acres and 1 rood of villenage, also 3½ acres and 1 rood of mulelond. In the subdivided tenancies the two classes of land are not in any way distinguished. It is difficult not to conclude that these four holdings had at some still earlier time formed a single unit of 30 acres or 2½ shares of 12 acres each. We may observe further that they are immediately followed by three other holdings of 6 acres each (1 villenage, 2 socage) which would make 48 acres or four full 12-acre holdings. From Simon de Len's tenement at the end of the record we have traces of two more previously existing tenements in villenage of the normal size. And the frequent occurrence of holdings of 12 acres, 6 and 3 acres in the list of socage lands raises a suspicion that many or even all of them at the original formation of the manorial system might, no less than the villenage lands, have been organised on the system of 12-acre holdings. As will be seen, this is confirmed by the practice disclosed in the early surveys of other manors (see p. 52).

*The 'Former' Holdings as subdivided in* 1292.—We may now describe the details of some of these holdings. The full details are too voluminous, though most interesting. Thus, in the case of the three members of the de Hil family in No. 1, 30 perches in the field of Rollesby held by Robert de Hil senior consist of one strip of 3 perches 6 feet and another of 26 perches 12 feet. In the other two holdings the two similar strips are described as 3 perches 6 feet and 1 third of ½ acre. So 1 rood 30 perches of the 1st tenant in the field of Sco is made up of four strips of 20 perches, 10 perches, 13 perches 6 feet, and 26 perches 12 feet.[1] The complications of these intermixed scraps of tenancy suggest many difficulties not only of assigning obligations but of cultivation and reaping the fruit of the particular strip. The ploughing could be done in common, and if, as must have been the case, the separate strips

[1] The perch on the Martham Demesne contained 18½ feet, but on the tenants' land 18 feet.

(even of 3 perches and 6 feet) could, with their specified abuttals, be definitely localised, the weeding could have been done by the tenant. But in time of harvest it is difficult to suppose that all these small scraps of land clothed with the same crop could be distinguished from each other. Did they reap in common and divide the crop according to the size of each person's holding?

*The intermixture of Socage and Villenage Tenants* and lands is very striking. Thomas Knight 2, the typical villenage tenant, also held 4 acres of socage land. In 1292 they were held by the same three tenants who lead the list of eleven holding his villenage land. So with the de Sco (or Belaghe) family in tenement No. 8 and the families of Grundolf and Mercator (or Chapman) in tenement No. 17. And the same may be found in numerous other cases. The most convincing proof of the intermixture of the lands is found in an analysis of the principal 'fields' which the writer has made. As might be expected, the villenage lands are most of all to be found in the two great fields called Estfeld and Westfeld, which would certainly have formed the principal part of the old Village Community fields. In Estfeld out of a total of 207 acres 77 are held in villenage. In Westfeld the proportion is much larger, 92 acres out of 158. In a field called Tomeres which seems to have been connected with Estfeld there are 15 villenage acres out of 63. On the other hand, in Suthfeld, presumably an original field, which, however, had evidently changed its character, there are only 8 villenage acres out of 47. None of the lord's demesne was on common land. He held several pieces, one 'by exchange' and others perhaps by forfeiture or for convenience.

*Intermixture of Families.*—Illustrations of this fact are constantly occurring throughout the list of the tenants in 1292. It is not possible to say exactly what the relationship was, but intermarriage is the most natural explanation. We may take the first holding formerly of Roger

de Hil. Out of the 10 acres three of the de Hil family hold 4 acres 1 rood in three equal shares, and four members of the de Sco family hold 2 acres 1 rood in four equal shares. Eustace Stannard holds a similar amount of 2 acres 1 rood. Adam Harding holds only 10 perches but they include a messuage, and Robert de Hill's 23 p. 6 ft. (a fraction of a share with the two other de Hils) are in a field called Hardingstoft, while the 2 roods held by Beatrix Alex are in Hardingshill. The three de Hils held three equal portions of the toft which evidently went with the holding, each having also a messuage with a portion of the toft, while Eustace Stannard's large toft[1] with a messuage is described as being 'in the field called Hiltofts' as if he had a strong claim on a share of the more central or residential part of the holding. Still more striking is the case of the two families of Elsy and Longe. They hold conjointly three of the Turbaries, implying, as I think, a conjoint connection with three separate holdings. They are, in fact, to be found associated in six different holdings. There were seven members of the Elsy family and eleven of the Longe family holding lands in their own names. The tenement No. 69 called after John le Longe is a socage tenement of 10 acres. In it John and Simon Longe hold equal shares, each with a toft, and Eustace has a smaller holding with an equal toft. Again this must imply an inherited interest in the original tenement. Yet before them come the names of John, Roger, and Robert Elsy who hold three shares, about equal to those of John and Simon Longe but without tofts. Then comes the name of Alice Elsy (the only female tenant of the family). She holds only 3 roods, about half the size of the shares previously mentioned. But she alone has a 'messuage in her toft'. Must we not assume that Alice was a Longe who had married an Elsy and was occupying in her own right the 'messuage' of the holding? Of the 10 acres 5 were held

[1] For the meaning of the tofts, see p. 47.

by the Elsy tenants and 5 by the Longe family. One rood in excess was held by Richard Orger. There is no Elsy tenement, but No. 67, called after John Wymarc, a villenage holding of 6 acres (entered just before that of John le Longe) is entirely held by John, Roger, and Robert Elsy in three shares of 2 acres each, the two former holding tofts here. This seems to mean that they were a villein family, for the holding was reckoned as half an 'eruing'. Many cases similar to these might be cited if space permitted.

On a review of the evidence already adduced we seem to be justified in saying that although the customary lands of the Martham manor (which practically included all the manorial lands) were, not only in 1292 but at the earlier time of the 'former' tenants, occupied by a tenantry of twofold status, socage and villenage, yet that both the lands and the families were so intermingled that the same persons were constantly responsible for the two classes of obligations attaching to the two grades of service. And here I would draw attention to the service as specifically assigned to the two typical holdings, that of Roger de Hil for the socage lands and that of Thomas Knight for the villenage lands. The latter are by no means burdensome and the former are not altogether light. The irksome week-works so often required are absent. The regular ploughing and doubtless other works must have been done by household 'famuli,' among whom at this time the Bailiffs' Account Rolls mention 'four ploughmen' and 'harrowmen,' i.e. for two demesne ploughs.

It may, perhaps, be thought that the conditions of this manor were unusually favourable to the tenantry and unusually homogeneous as regards their status. Such I believe to have been the case, and I wish to suggest that an explanation may be found in the circumstances of the Domesday occupants of the same land which we will now consider.

*Domesday Occupants of the Martham land.*—The land which formed Martham Manor was not organised as a Manor at the time of the Domesday Survey. It is necessary to bear in mind something of the nature of the change which was then taking place in the country. For some generations past the old Village Communities as independent groups under their Hundreds as well as other more scattered occupiers of land had been everywhere falling under the control of local lords. At first they merely 'commended themselves' to a more powerful neighbour for protection in lawless times. By degrees this relation developed into more or less complete subjection. The system known as a mediæval manor, with a lord's 'demesne' worked by tenants rendering agricultural service in various degrees, was already far advanced before the Norman Conquest, especially in the south and middle of England. In the Danish districts of East Anglia, however, the old system still lingered in a weakened form. Everywhere through Norfolk and Suffolk were independent freemen (thought to be frequently Danish soldiers who had settled on the land and mingled with the Anglian inhabitants), and occasionally we find groups of freemen. All these, whether isolated or in groups, cultivated their own lands. They were under commendation to some lord, and in return rendered some military, jurisdictional, or other personal service, but not agricultural.

The Martham land with which we are concerned cannot be precisely identified in all its parts. But fortunately its principal constituent element is known, and it contains so large a proportion of the whole and is in itself of such exceptional interest that any uncertainty as to the remainder is of comparatively little importance. Martham in Domesday Book comes under the heading 'Lands of William the Bishop' and (particularly) forms part of the lands which he held 'of his fee,' that is, in his private control and not attached to his bishopric. Of some of these

he was already manorial lord. Of others (including Martham) he was Patron by commendation, which probably made him their 'mesne' lord between them and the King.

There are several small tenancies which might have become part of the Martham Manor. But the one I have mentioned will suffice for our present purpose. The entry runs as follows :—

'In Martham were 36 freemen of Aylmer by commendation only, (holding) 5 ploughlands and 10 acres. Bishop William has them now; and 50 acres of meadow. Then as now 16 ploughs. It was then worth 6 pounds now 8 pounds and 10 shillings. There is 1 church (holding) 50 acres and worth 50 pence (D.B., folio 200; V.C.H. *Norf. ii.* 123).

Bishop Ailmar had been Bishop of Elmham at the Conquest. In 1075 the Bishopric was removed to Thetford, and in 1086 at the Domesday Survey was held by Bishop William de Bellofago.

This group of thirty-six freeman at Martham is certainly of great interest. Not very many of these groups are met with, and this is one of the largest in Norfolk. The men do not work for any lord, nor have they any subordinate workers mentioned as under them. With the help of such internal organisation as may have been in practice in such cases they were conjointly working the whole five ploughlands. We surely cannot be mistaken in regarding them as the still existing Anglo-Danish Village Community of Martham. The holding is a large one. The "five ploughlands" are understood to mean the amount of land at which they were assessed for the Danegeld. It is, however, generally believed that a ploughland was at least 120 acres,[1] so that they held some 610 acres to which we may perhaps add the 50 acres of the Church land. Now the arable land of the manorial tenants in 1292 was about 840 acres. We

[1] But see the case of Lawshall, Suffolk, p. 54.

therefore have here a very large portion of the subsequent manor.

In 1096 the then Bishop, Herbert de Losinga, moved the See to Norwich and at once established there a Monastery for sixty Benedictine monks. He set aside certain of his lands for the maintenance of the monks, and amongst others his land at Martham, including the land described in the above entry. This he states in his Foundation Charter of September 1101.[1] This plainly involved the conversion of the land into the conditions of a manor. As held by the thirty-six freemen there had been no lord's demesne. Henceforth the Prior was to be the lord and was to receive for the support of his monastery the produce of a demesne cultivated by manorial tenants. Of a similar process of conversion we are told in the case of Caistor by Yarmouth in the adjoining Hundred of East Fleg. There eighty freemen held four ploughlands with twenty-two ploughs. We read, 'Of all this Earl Ralph made a manor: now there is 1 plough in demesne, 21 of the men'.[2] This can only mean that Earl Ralph appropriated a small portion of the land with one plough-team to his own use and organised the tenants into customary workers with the other twenty-one plough-teams.

Bishop Herbert does not seem to have cut off the 168 acres of the Martham 'demesne' arable lands from those of the thirty-six freemen. He must have added some other land. There was one holding which he might have used. Of the adjoining manor of Hemsby, which after belonging to Algar, Earl of Mercia, had now come into the hands of the Bishop, we read, 'To this manor belongs 1 outlying estate (berewite) [in Martham] consisting of 2 ploughlands. Then as now 2 ploughs on demesne and 1 belonging to the men.'[3]

[1] Dugdale, *Monasticon*, iv. 16; Blomefield, *Hist. Norf.* xi. 163.
[2] D.B. fol. 134; V.C.H., *Norf.* ii. 61.
[3] D.B. fol. 195; V.C.H., *Norf.* ii. 118.

The 'men' here were seven villeins, and there were three bordars and one serf. Hemsby had been manorialised by Algar before the Bishop received it. The manor of Hemsby was also given by Bishop Herbert with Martham to his Priory, so this holding may well have formed the demesne of the new manor of Martham. It is true that two ploughlands amount to more than the 168 acres mentioned in the Stow Survey. But the contemporary Account Rolls of Martham speak of more than 200 acres being sown in a year apart from fallow. Some other lands may have been added to make up the amount of about 840 acres, or whatever the manorial tenants in 1101 had in their own hands. It is sufficient to note that all the small pieces which might have been thus utilised are described in D.B. as being held T.R.E. by 'freemen'.

*Organisation of the Manor.*—For this purpose the Bishop would have to organise a manorial tenantry bound to work his demesne for the benefit of his monks. Towards this object he may have had some 'villani,' as just mentioned. He no doubt dealt with the existing tenants as Earl Algar had done at Hemsby or Earl Ralph at Caistor. With regard to the exact number of thirty-six freemen we need not be too precise. They are represented in D.B. as though they passed undisturbed through the great national convulsion of the Norman Conquest. Yet some, probably most of them, must have been liable to military service. And some families must surely have been broken up. Still, if the Bishop as Patron of the vill were answerable to the King for his geld, the Commissioners would not need to enquire into this detail. It was not a case of change of lordship. The Bishop would have to deal with a body of tenants described as freemen and hitherto owing no agricultural work to a lord.[1] It would be foolish to say that they and their

[1] In these cases there is no mention in D.B. of any 'feorm' or food-rent.

families were turned adrift and fresh tenants introduced. Yet within little more than a century we find the tenants entirely classified as sokemen and villeins. We must suppose the village community of freemen consented, willingly or not, to be converted into a manorial set of workers. The change perhaps was not so very great at the time. Already there were many cases recorded in D.B. where freemen were working as bound subordinates (sub eis) to other freemen. In great stress a man or family could only part with their land for food and submit to enforced service even though still 'free' in social status. Under Norman rule and Norman lawyers they rapidly descended to legal bondage. But in 1101 a 'villanus' was still something of a villager, and extra work for a lord even though enforced was only his accustomed work, and in the case of Martham was not over-burdensome.

If then, when the Bishop set to work to organise his manor and got together lands amounting to the 840 acres (or thereabouts) which we find in the Stow Survey in the hands of the tenants, and if, as we have seen reason to suppose, he organised (if he did not find already existing) a system of cultivation on the basis of 12 acre tenements, that would require some seventy sectional tenements. We may cite three pieces of evidence all of which seem to bring us to about this result.

(*a*) First, we know that the villenage tenements were reckoned at $22\frac{1}{4}$ eruings of 12 acres each. That this apportionment was in actual operation we learn from the summary of the lord's profits. 'Hoeing corn $222\frac{1}{2}$ days.' The typical villein tenant is bound to hoe ten days which produces the exact number. So 1d. from each villein 'for ditching' is correctly entered as $22\frac{1}{2}$d. Then another item in the summary says, 'Harrowing of socage twenty-seven days'. We find that the socage tenant has to harrow for half a day. This would amount to fifty-four socage harrowings. This statement is im-

portant, for only nineteen other tenants in 1292 are specified as bound to do 'as Roger de Hil'. If each did half a day that would only produce ten days instead of twenty-seven. It must refer to fifty-four units not recognisable in the survey of 1292. If they were original units we have socage tenements 54, villenage, 22¼, total 76¼.

(*b*) Next we have the list of Turbaries. As it is given in 1292 it has manifestly been much altered. But it has the appearance of an original set of equal shares of half an acre each, most of which had become grouped among joint tenants but not losing their original form. They amount to 73 half acres and 1 rood.

(*c*) Then we have the 'Tofts'. In the subdivided tenements of 1292 under one or other of the subtenants (generally the first) we are told that of his land so much (some small amount) 'lies in his own toft' (in tofto suo). It usually abuts on some road. Sometimes it is described as his 'toft with a messuage'. In many cases, as in that of Roger de Hil (No. 1), it is evident that two or more tofts mentioned are portions of one larger toft divided amongst co-heirs. These tofts were not, as frequently, separate small holdings, but plots of private ground with or without a dwelling-house, which a tenant of a holding required for a shelter for his oxen, poultry, garden produce, or other conveniences. They appear to have been settled in groups for they often adjoin each other and abut on the same road. At this distance of time it has not been possible to locate the exact spots indicated. But it seems certain that they were more or less scattered about and in many cases did not lie in the village. Several minor 'fields' are called from tofts, as Blakemanstofts, Hardingstofts, and others. We may reasonably assume that in any original organisation each tenement would have its own toft. By 1292 they were much mixed. Tenants held lands in many tenements, and it is plain that when they are said to have land 'in their toft' it

was often not in connection with their family holding. We can, therefore, only estimate the original number in the best way possible. In the whole list of 107 'former' tenements no less than 191 tofts are mentioned. But as already observed a large number of these were fractions of earlier tofts. On the other hand, thirty-two of the 107 tenements have no tofts at all. This leaves seventy-five with tofts. These tofts are so often held by a minor tenant among larger sharers in a tenement that it is impossible to say to what original tenement his land may have belonged. But, for whatever it is worth, the coincidence of this figure with the totals already given may well be noted as some corroboration of the suggestion that this figure approximately represents the original number of tenants' holdings.

*The 12-acre Eruings, were they new in* 1101?—Assuming, as I think we must, that the organisation described in the Stow Survey must date back to the formation of the Manor in 1101, we are led to enquire further, Did the Bishop find any such organisation in practice in the village community? Our information shows us thirty-six men with sixteen plough-teams cultivating rather more than 600 acres of land. Now if we take the working occupiers of land in this part of Norfolk (in King Edward the Confessor's time), freemen, sokemen, and villeins (excluding bordars and serfs as holding scarcely any land), we find on the average one plough-team to nearly 50 acres of land and four tenants to one plough. At Martham there was a plough-team to rather less than 40 acres and scarcely more than two men to provide each plough-team of (normally) eight oxen. Is it not more than probable that while the thirty-six freemen answered for the vill to the King (no doubt through the Bishop), the cultivation of the land was shared with them by several minor tenants? May we not suppose that the 'eruing' was already in use? According to the formula just stated, if we allow four men to provide a plough-team we should require

some sixty-four shareholders for the sixteen ploughs, and if the shares were equally divided the sectional tenements would be about 10 acres each. This very nearly corresponds to the villenage eruing of 12 acres in our Stow Survey, and suggests that it originally expressed a share of land which provided one-quarter of a plough-team or two oxen.

By way of confirmation of this suggestion, I would put forward two pieces of evidence.

First, the *terminology* of the Martham Survey is distinctly suggestive of an earlier set of conditions than those existing at the close of the thirteenth century. The two classes of customary tenants are simply described as holding in Socage or in Villenage. This is a peculiar feature of this survey. In the other surveys in this volume they are not much classified and are only called 'Custumarii'. There are, however, two similar and contemporary series of surveys of Norfolk Monastic Manors well known to students. There is the *Cartulary of Ramsey Abbey*, published in the Rolls Series, and there is the valuable Cottonian MS. in the British Museum (*Claudius C. XI*) dealing with the Manors of the Bishop of Ely. Throughout the numerous surveys in these two collections Socage Tenure or even Sokemen are hardly ever mentioned. The commonest term for full working tenants is 'Operarii'. The somewhat less burdened class of tenants are 'Custumarii et Censuarii'. There are many varieties of a minor character, but this may hold good as a general statement. The Martham use seems to point back to Domesday. There the independent tenants are 'Liberi homines' or 'Socmanni'. If, as I have suggested, the thirty-six Freemen of Martham became, with others, the customary tenants of the newly formed manor, they could no longer be described as 'liberi homines' nor were they 'libere tenentes'. Those of them who became tenants 'in villenage' may have been among the 'villani' or villagers who were mainly

responsible before for the tillage of the land. The others, who accepted lighter burdens were, no doubt, already the Bishop's 'sokemen' as being under his jurisdiction by 'commendation'. This would account for the description at an early time, but not later.

The second consideration relates to the organisation of the labour on which the lord depended for his manorial profit. This organisation, as we know, was based on the proportion of the common land which the tenant held, and there was in all cases a fixed unit on which the rest of the portions were based. Now we may fairly ask, was this system newly created for the working of a newly invented feudal manor, or was there something of the sort in previous existence even in a village community? Must it not have been a necessary accompaniment to the system of co-cultivation by a co-operative community? We read of hides in Domesday Book, but they are plainly to be taken as fiscal units, of carucates or ploughlands, which also are fiscal units, though it is admitted they must approximate to a certain measure of land. It is not till we come to a 'virgate,' the fourth part of a ploughland, that the human element comes in. A 'virgater' is held to describe the ordinary tenant. A virgate is the basis of what organisation there may have been. From this starting-point we may examine some useful evidence to be gathered from the various Monastic Surveys just mentioned. They reveal, as would be expected at the close of the thirteenth century, a complete manorial organisation of customary services. But there are not a few indications of earlier conditions. Amid a considerable variety of detail one fact stands out with a fair amount of constancy. The unit on which the system of services is based is the 'virgate,' mostly attributed to the customers or higher class of responsible tenants. This may be taken as a survival of Domesday terminology. This unit contains all kinds of variations in

size.[1] Side by side with this unit, or sometimes as a synonym[2] of it, is another, a Full Land.[3] This is mostly used of lands in villenage, and probably means lands which have to bear the full burden of labour. We may fairly set down this term to the manorial system. As a full land describes the same sort of unit as a virgate it equally varies in size. Our present aim is to see how far we can trace it back. To begin with, our 12-acre 'eruing' at Martham is a full land of that manor. As already observed its name is of itself an indication of archaic origin. Its meaning is 'ploughing,' a somewhat indefinite description of some agricultural responsibility. It occurs also on the Abbot of Ramsey's manor of Wimbotsham[4] in Norfolk. In the time of King Stephen 'Roger cum Barba' held 30½ acres 'viz. 3 aruinges'; for which he did certain services. The men of the vill say that in the time of King Henry [I] these '3 aruings were divided between three men,' each of whom did all the services Roger was doing. This makes the Wimbotsham eruing 10 acres and the services correspond with those of tenants who hold 10-acre tofts on that manor. Thus we find that the organisation of which the holding thus described was an integral part was not new within a generation or two of the Conquest. On the same manor[5] and others of the same Abbot were tenants holding 'in landsetagio' whose services were very similar to the last named. This word, describing a holding corresponding to the Martham eruing, is found in the manors of the Prior of Norwich at Hindringham[6] (14 acres) and Hindolveston[7] (18 acres). This term also

[1] Shipdham, 16 acres (*Claudius C. XI*, fol. 244); Bridgham, 48 acres (fol. 250).

[2] Shipdham (fol. 244), Derham (fol. 227), etc.

[3] Feltwell, 20 acres (fol. 255); Tyrington, 80 acres (fol. 183).

[4] *Ramsey Cartulary*, iii. 285. For this reference I am indebted to Mr. W. J. Corbett, of King's College, Cambridge.

[5] *Ibid.* p. 287; Ringstead, p. 268.

[6] Stow MS. 936, fol. 7d.

[7] *Ibid.* fol. 14; Norwich fragment pen: D. and C. of Norwich.

is plainly the Saxon word 'landsaeta,' meaning 'land settler,' and seems to imply the holding of a share of the common land. Amongst many illustrative instances of early manorial organisation, I will confine myself to one manor which is organised with special regularity and also runs on parallel lines with that of Martham. This is the manor of the Bishop of Ely at West Walton[1] in the Norfolk fen district. The tenants begin with a list of Knights and Freeholders with whom we are not concerned. Then come 'Customers and Censuarii'. The first holding held by two tenants conjointly consists of '2 full lands' of 24 acres each. They have to render various services, such as ploughing three days if they have six oxen, two if four, one if two, one-half if one, in winter or in Lent. Then follow eleven others of which four hold one full land each and two brothers hold three full lands. Then come 'workers' (operarii) holding full lands of 24 acres. They owe (*inter alia*) 6 works a week—of these there are fourteen all holding full lands equally. Then we have 'workers holding lands called Toftlands' of 12 acres, of whom there are four holding equally. They do three works weekly. Lastly two 'workers holding lands called Hyllondes' of 6 acres each do 1½ works a week. We may note the fact that the 'full land' organisation embraces customers as well as workers, just as I have suggested that the eruing system at Martham may originally have embraced the socage tenants as well as those in villenage. What adds to the interest of this survey is that this manor was a capital lordship with other subordinate manors attached. The chief of these was the adjoining manor of Walpole[2] which again introduces us to an archaic word denoting, as I think, something which completes the organisation of Walton. Among the 'Knights and Free Tenants' we find Jacobus de Franceis and Thomas de Northwaude.

[1] Fol. 199, *Claudius C. XI.* [2] Fol. 193.

Together they hold half a 'tenmanland, viz. 60 acres'. After the Freeholders come two 'Custumarii et Censuarii' who each hold '1 tenmanland, viz. 120 acres'. The first of these holdings is in the hands of a group; Alan and Mathew, John and Ralph, Peter and Geoffrey de Catestowe and their parceners. The other is held by Peter and Walter sons of William son of Cristiana and their parceners. This term has been explained as perhaps describing a combination of ten tofts, or single holdings, of 12 acres, forming a carucate of 120, and that with eleven others making a Danish hundred of twelve carucates (Vinogradoff, *English Society in the Eleventh Century*, pp. 103 and 281). However this may be, the two Customers hold their 120 acres on the same agricultural services with their ploughs and their oxen as those at Walton. And a division of holdings into ten times 12 acres suits Walton better than Walpole. At Walpole another class of Customers have holdings of 30 acres and 15 acres; the workers hold 'full lands' of 30 acres and the toft lands are of 10 acres. There is no 12-acre holding to fit in with the 'Tenmanland' of 120 as there is at Walton. In any case, if there was a Danish division of a carucate of 120 acres into ten shares of 12 acres we may fairly carry our 12-acre Martham 'eruings' back to Danish times.

There is, of course, some difficulty in discovering what would be the obligation of such a shareholder. We must remember that we are not now speaking (or only partly) of obligation to a lord, but of shareholders in a community. In working their own common lands, whether before or under the manorial systems, each holder of land had to make his contribution towards the common ploughs or the common labour. The most usual method was by supplying oxen. If, as we have seen, a plough in early days in this part of Norfolk worked about 48 acres and the team was one of eight oxen, the holder of an eruing of 12 acres would find two

oxen or a quarter of the team. We have some confirmation of this in the *Ramsey Cartulary* i. 144, where we have a quarter of hydated land containing 12 acres. And in i. 358, 'William Lupus holds 1 quarter and does what pertains to a fourth part of a virgate'. On the Abbot's Manor of Lawshall, Suffolk, forty-four 'Customers' held 'quarteria' of 12½ acres each, the virgate there being 50 acres,[1] and 3 virgates made 1 hide. A similar reckoning would make the Martham "ploughland" 144 acres and the amount held by the 36 freemen 720 acres.

If then it be accepted that we may reasonably trace the Martham manorial workers back through their 'former' predecessors to the first manorialisation of the land in 1101, and so to the pre-existing village community of King Edward's days, we may perhaps do more still. The Martham tenants were living under an organisation based on a unit with a Saxon name, an eriung. I have called the '36 freemen' Anglo-Danish, and if, as seems most probable, they were working in Danish times with this agricultural unit, they must have taken it from the Angle settlers whom they found, and with whom they may have coalesced. It is at least noticable that of the four places where we have found 'eruing' and 'land saetas' three are English 'hams' and the fourth a 'ton'. Martham, Hindringham, Wimbotsham, Hindolveston were pre-Danish settlements, and the Stow Survey 'eruings' at Martham may record the survival of a practice in use four centuries before the compilers drew up their interesting record.

[1] 'Bailiffs Roll of Lawshall' in 1393, by H. W. Saunders (Suffolk Arch. XIV, 117, 8).

# APPENDIX.

## 1. LIST OF TENEMENTS IN THE MANOR OF MARTHAM, NORFOLK, AT SOME DATE PRIOR TO THE FOURTH YEAR OF HENRY DE LAKENHAM, PRIOR OF HOLY TRINITY, NORWICH.

*The figures in italics show number of tenants in* 1292. *S. signifies land held in socage: V. land in villenage: er. portions of an eruing.*

1. (*11*) Hil, Roger de, 10 a. S. 2. (*11*) Knight, Thomas, 12 a. (V. 1 er.); (*3*) 3 a. S. = 15 a. 3. (*2*) Pyne, Richard, 4 a. S. 4. (*1*) Hisbald, Humfrey, 2 a. S. 5. (*12*) Stiward, Ywar, 6 a. S. 6. (*16*) Rede, John le, 12 a. S. 7. (*5*) Brun, Will., 3 a. S. 8. (*10*) Sco (Belaghe), Humfrey, 15 a. S.; (*4*) 1 a. S. purchased; (*8*) 3 a. V. ¼ er. = 19 a. 9. (*10*) Blakeman, Yware, 6 a. S. 10. (*13*) Wluricus, 13 a. S. 11. (*16*) Ses, Yware de, 10 a. S. 12. (*20*) Ses, Unbeyn de, 12 a. 2 r. S. 13. (*12*) Syk, Thos. de, 22 a. 2 r. S. 14. (*8*) Vosse, Peter, 1 a. S. 3 a. V. ¼ er. = 4 a. 15. (*11*) Goshey, Will., 6 a. V. ½ er. 16. (*4*) Keneman, Agnes, 1 a. 2 r. S. 17. (*7*) Geoffrey, Yware, son of, 12 a. V. 1 er.; (*11*) 3 a. 2 r. S.; (*11*) 1 a. S. = 16 a. 2 r. 18. (*4*) Mome, Roger, 3 a. S. 3 a. V. ¼ er. = 6 a. 19. (*1*) Buckenham, Rog. de, 1 a. S. 20. (*6*) Anneys, Will., 18 a. V. 1½ er.; (*9*) 6 a. S. = 24 a. 21. (*2*) Arnald, Richard, 2 a. 2 r. S. 22. (*2*) Stannard, Matilda, 6 a. S. 23. (*4*) Godyve, John, 4 a. S. 24. (*22*) Gilberd, Peter, 2 a. S. 12 a. V. 1 er. = 14 a. 25. (*4*) Pethun, Will, 1 a. S. 6 a. V. ½ er. = 7 a. 26. (*16*) Fayrman, Bernard, 3 a. S. 6 a. V. ½ er. = 9 a. 27. (*7*) Hugo, Walter, son of, 3 a. 3 r. S. 3 a. 3 r. V. = 7 a. 2 r. 28. (*17*) Leve, Will., 3 a. 3 r. S. 3 a. 3 r. V. = 7 a. 2 r. 29. (*5*) Lom, Thos., 3 a. 3 r. S. 3 a. 3 r. V. = 7 a. 2 r. 30. (*9*) Bruerio, Joh. de, 3 a. 3 r. S. 3 a. 3 r. V. = 7 a. 2 r. 31. (*3*) Byl, Stephen, 6 a. V. ½ er. 32. (*1*) Coleman, Matilda, 6 a. S. 33. (*5*) Yvo, Will., son of, 6 a. S.; 2 a. S. = 8 a. 34. (*9*) Blaking, Rob. and Elfer Rog., 2 a 2 r. S. 9 a. V. ¾ er. = 11 a. 2 r. 35. (*3*) Harald, Nicholas, 6 a. 2 r. S. 36. (*19*) Sunnof, Joh., 9 a. S. 37. (*4*) Chaplain, Will., 2 a. 2 r. S. 38. (*7*) Gervase, Nich., son of, 3 a. S. 39. (*5*) Prat, Rob., 6 a. V. ½ er.; (*2*) 1 a. S. = 7 a. 40. (*9*) Hereman, Will., 6 a. S. 41. (*10*) Erl, Geoffrey, 16 a. S. 42. (*5*) Cope, Will., 3 a. S. 6 a. V. ½ er. = 9 a. 43. (*7*) Tusard, Richard, 3 a. S. 44. (*10*) Spac, Hugo, 6 a. V. ½ er.; (*5*) 3 a. S. = 9 a. 45. (*9*) Frome, Gunnilda, 3 a. S. 46. (*4*) Lestan, Robert, 6 a. V. ½ er.; (*2*) 1 a. 2 r. S. = 7 a. 2 r. 47. (*11*) Lestan, [blank], 11 a. 2 r. S. 48. (*16*) Archer, Will. le, 5 a. 1 r. S.; 1 a. 2 r. S. = 6 a. 3 r. 49. (*6*) Spac, Roger, 6 a. V. ½ er.; (*10*) 4 a. S. = 10 a. 50. (*8*) Gemere, Richard, 8 a. S.; (*11*) 6 a. V. ½ er.; (*6*) 5 a. 2 r. S.; (*6*) 5 a. 2 r. S.; (*6*) 3 a. V. ¼ er.; (*3*) 1 a. S. = 29 a. 51. (*6*) Orger, Richard, 6 a. V. ½ er.; (*9*) 9 a. S. = 15 a. 52. (*2*) Bernard, John, 3 a. 20 p. V. ¼ er.; (*2*) 4 a. S. = 7 a. 20 p. 53. (*12*) Gode, Roger, 12 a. V. 1 er.; (*1*) 2 r. S. = 12 a. 2 r. 54. (*8*) Starlyng, Rob. (de terra Swan), 3 a. 3 r. V.; (*5*) (Same

Swan), 2 a. S. = 5 a. 3 r. 55. (*22*) Goodrich, Nicholas, 12 a. V. 1 er. 56. (*1*) Goodrich, Will., 1 a. S. 57. (*1*) Kylderous, Margaret, 1 a. S. 58. (*4*) Kylderous, Roger, 6 a. V. ½ er. 59. (*6*) Tusard, Richard, 1 a. S.; (*2*) 1 a. S.; (*2*) 2 r. = 2 a. 2 r. 60. (*7*) Curtman, Rob., 3 a. S. 3 a. V. ¼ er. = 6 a. 61. (*2*) Orger, Richard, 1 a. S. 62. (*8*) Atte Pit, Alice, 4 a. S. 63. (*2*) Bo, Wluina, 2 r. S. 64. (*13*) Greyve, Ralph le, 11 a. S.; 1 a. S. = 12 a. 65. (*8*) Robert, John, son of, 14 a. S. 66. (*1*) Auant, Rog., son of Yware, 6 a. V. ½ er.; (*5*) 2 a. S. = 8 a. 67. (*3*) Wymerc, John, 6 a. V. ½ er.; (*1*) 1 a. S. = 7 a. 68. (*4*) Pecke, Emma, 1 a. 2 r. S. 69. (*9*) Longe, Joh. le, 10 a. S. 70. (*14*) Kinc, John, 11 a. S. 71. (*9*) Bedel, Richard, 7 a. S. 72. (*8*) Clerk, Rob. le, 12 a. V. 1 er.; (*7*) 12 a. S. = 24 a. 73. (*6*) Mey, Wymarch, 1 a. 2 r. S.; 1 a. 2 r. S. = 3 a. 74. (*5*) Carpenter, John, 3 a. V. ¼ er.; (*1*) 1 a. S.; (*2*) 1 a. 2 r. S. = 5 a. 2 r. 75. (*4*) Godwyne, Will., son of, 7 a. S. 76. (*11*) Yware, Rog., son of Stephen, 6 a. V. ½ er.; (*3*) 7 a. S. = 13 a. 77. (*1*) Wluan, Adam, 6 a. V. ½ er.; (*11*) 10 a. 2 r. S. = 16 a. 2 r. 78. (*6*) Alexander, Will., 8 a S. 3 a. V. ¼ er. = 11 a. 79. (*5*) Godknape, John, 5 a. S. 80. (*13*) Blaking, Osbert, 12 a. S. 81. (*13*) Sort, Matilda, 8 a. S. 82. (*2*) Harding, Humfrey, 1 a. 2 r. S. 83. (*12*) Matilda, Barth., son of, 3 a. S. 3 a. V. ¼ er. = 6 a. 84. (*5*) Ratte, Juliana, 3 a. S. 85. (*4*) Godwyne and Goda, 3 a. S. 6 a. V. ½ er. = 9 a. 86. (*1*) Bolle, Roger (Swan), 1 a. 2 r. S. 87. (*10*) Heyward, Godwyne le, 2 a. S. 6 a. V. ½ er. = 8 a.[1] 88. (*17*) Hendegord, Rog. and Will. de, 10 a. S. 89. (*15*) Suthgate, Rog. de, 10 a. S. 90. (*1*) Marue, Richard, 1 a. S. 91. (*2*) Hare, Edric, 1 a. S. 92. (*3*) Smith, Godwyne the, 6 a. S. 93. (*4*) Steward, Roger the, 10 a. S. 94. (*9*) Seward, Joh. and Osbert, 5 a. S. 95. (*4*) Hubert, Robert, 7 a. S. 96. (*3*) Hemesby, Amable de, 3 r. S. 97. (*9*) Hubert, Humfrey, 12 a. V. 1 er.; (*3*) 2 a. S. = 14 a. 98. (*14*) Dekene, Joh. le, 16 a. S. 99. (*8*) Haringby, Will. de, 8 a. S. (for homage and service).[2] 100. (*1*) Prior of Norwich, 1 a. S. (exchange).[3] 101. (*1*) Blakeman, Roger, 3 r. S. 102. (*4*) Chaplain, Godfrey, the, 4 a. S. 103. (*15*) Tucke, Wymarcha, 6 a. S. 104. (*7*) Cruchestoft, 4 a. S. Steward, Roger the, 1 abuttal. Martham, Warin de, 1 abuttal. Goneton, Math. de, 1 meadow (now Prior). Prior of Norwich will give 10s. called Hornsylver to the census of Martham. 105. (*5*) Dulle, Matilda, 1 a. 2 r. V. ⅛ er. 106. (*5*) Stocklondgore, 2 a. S. 107. (*1*) Hil, Joh. de, and Keneman, Joh., 1 a. 2 r. S.

## 2. "FORMER" TENEMENTS OF THE ABOVE MANOR AS SUBDIVIDED IN 1292.

1. Hil, Roger de, Mulelond—formerly 10 acres, now 11 Tenants. Hil, Rob. de Sen., 1 a. 1 r. 23 p. 6 ft. Hil, Joh. de, 1 a. 1 r. 23 p. 6 ft. Hil, Rob. de, 1 a. 1 r. 33 p. 6 ft. Harding, Adam, 10 p. Stannard, Eustace, 2 a. 1 r. Attewelle, Joh., 3 r. Alexander, Beatrix, 2 r. Sco, Geoffr. de, 2 r. 10 p. Sco, Robert de, 2 r. 10 p. Sco, Simon, son of Will. de, 2 r. 10 p. Sco, Jas., son of Will. de, 2 r. 10 p.

2. Knight, Thos, Villenage, formerly 12 acres, now 12 Tenants. Knight, Mathew, 3 a. 2 r. Knight, John, 1 a. 3 r. Knight, Andrew, 1 a. 3 r. Anneys,

[1] Here are entered one tenant of a meadow paying 4d. of census and four tenants of cottages paying of census 1 goose, 1d., ½d., 1 hen.

[2] No customs are entered.

[3] Customs, boons, etc., entered.

Will., 1 a. Knight, Beatrix, 1 a. Aleyn, Rob., 1 r. Wuc, Rob., 2 r. Balle, Hugo, 2 r. Mercator, Rob., son of Rob., 1 a. Folpe, Will., 1 r. 20 p. Godrich, Will., 1 r. 20 p. Also same Knight, Thos., Socage, 4 acres, now 3 Tenants. Knit, Mathew, 2 a. Knit, John, 1 a. Knit, Andrew, 1 a.

8. Sco, Humfrey de, Socage, 15 acres, now 10 Tenants. Belaghe, Alex. de, 3 a. 1 r. 30 p. Belaghe, Jas. de, 3 a. 1 r. 30 p. Sco, Rob. de, 3 a. 20 p. Cock, Rob., 1 r. Sco, Geoffr. de, 2 r. 37 p. 9 ft. Sco, Rob., son of Will. de, 2 r. 37 p. 9 ft. Sco, Simon de, 2 r. 37 p. 9 ft. Sco, Jas., son of Will. de, 2 r. 37 p. 9 ft. Alexander, Beatrix, 2 r. Godknape, Thomas, 1 a. 1 r. Same Belaghe, Humfrey de (Mulelond acquired), 1 acre, now 3 Tenants. Sco, Alex. de, 1 r. 36 p. Sco, Jas. de, 38 p. Sco, Geoffr. de, 38 p. Syk, Will, 8 p. Same Humfrey, Villenage, 3 acres now 8 Tenants. Belaghe, Alex. de, 3 r. Belaghe, Jas. de, 3 r. Sco, Rob. de, 1 r. 20 p. Koc, Rob., 30 p. Dane, Will., 30 p. Sco, Geoffr., son of Will. de, 30 p. Sco, Simon de, 30 p. Sco, Jas., son of Will. de, 30 p.

17. Geoffrey, Yware, son of, Villenage, 12 acres. Mulelond, 3½ acres + 1, now 18 Tenants. Grundolf, Rob., 3 a. Grundolf, Beatr., 1 a. Grundolf, Gunild, 1 a. Grundolf, Marg., 1 a. Mercator, Rog., 2 a. Mercator, Ric., 2 a. Mercator, Hub., 2 a. Socage: Grundolf, Rob., 1 a. 2 r. 30 p. Godrich, Thos., 2 r. Harding, Adam, 1 r. Grundolf, Gundild, 37 p. Grundolf, Beatr., 37 p. Grundolf, Marg., 37 p. Chapman, Rich., 2 r. 6 p. Hardyng, Will., 1 r. Chapman, Hubert, 1 r. Carpenter, Rob., 30 p. Chapman, Roger, 23 p.

27. Hugo, Walter, son of, Villenage, 3½ a. 1 r. Mulelond, 3½ a. 1 r., now 7 Tenants. Walter, Roger, 5 a. 3 r. 20 p. Knit, John, 1 r. Geg, Robert, 2 r. Bil, Richard, 1 r. Harold, Cecilia, 1 r. Martham, Rob. de, 1 r. 20 p. Suthgate, Joh. de, 1 r. 28. Leve, Will., Villenage, 3½ a. 1 r. Mulelond, 3½ a. 1 r., now 17 Tenants. Leve, Will., 1 r. 20 p. Yware, Will., 1 r. 8 p. Walter, Roger, 3 r. 20 p. Stannard, Rob., 3 r. Bonom, Will., 1 a. Syk, Rob. de, 1 r. 5 p. Sutere, Will., 2 r. Wry, Joh., 2 r. Humfrey, Math., 2 r. Okle, Hen. de, 1 r. Godwyne, Roger, 1 r. Bil, Richard, 2 r. Knit, John, 1 r. Martham, Rob. de, 1 r. 2 p. Stannard, Eustace, 1 r. Chapman, Rich., 1 r. 29. Lom, Thos., Villenage, 3½ a. 3 1 r. Mulelond, 3½. 1 r., now 5 Tenants. Lom, Thos. 3 a. 2 r. Auant, Joh. 2 a. 1 r. Holbue, Thos., 1 r. Cok, Simon, 1 r. Brunston, Geoffr., 1 a. 1 r. 30. Bruerio, Joh. de, Villenage, 3½ a. 1 r. Mulelond, 3½ a. 1 r., now 9 Tenants. Cheplain, Laur., 2 a. 3 r. 4 p. Heye, Joh. de, 2 a. 24 p. Sutere, Alice, 1 r. Longe, Alice la, 2 r. 13 p. 6 ft. Longe, Marg. la, 1 r. 13 p. 6 ft. Longe, Isab. la, 1 r. 13 p. 6 ft. Elsy, Laurence, 1 r. 12 p. Pethun, Will., 30 p. Okle, Hen. de, 1 r. 20 p.

## 3. TENANTS OF TURBARIES IN SUTHFEN.

Elsy, heirs of, and of Longe, Nich., 1 a. Arnald, Hubt., and Trotting, Ad., 1 a. 2 r. Berte, Nich., and Herbert, Will., 2 r. Godrich, Will., Tusard, Will., Produm, Rog., Keymund, Joh., 3 a. Bolle, Rog., Lom, Thos., 1 a. Galle, Richard, 2 r. Roger, Rob., son of, 2 r. Scorth, Nich., 2 r. Gode, Roger, heirs of, 1 a. Produm, Ralph, 1 a. 2 r. Gemere, Joh. with his fellows, 1 a. Stug, Thos. and his fellows, 2 r. Dekene, Rob., 1 a. Hervy, Alexander, 1 a. Orger, Rob. and Ric., 1 a. Bernard, Nicholas and Roger, 1 a. Elsy and Longe, Nich., heirs of, 1 a. Gele, Adam, heirs of, 2 r. Maybel, Osbert, 2 r. Walter,

Rog., Leveve, Will., 2 r. John and Thos. [sic.], 1 a. Galle, Richard and Nich., 2 r. Fleg, Joh. de and bros., 1 a. Long, Elsy, heirs of, and Suthgate, Rog. de, 1 a. Auant, Roger, 1 a. Kine, Alice, heirs of, 1 a. 2 r. Hendegord, Elsy de, and Tvynlyng, Joh., heirs of, 1 a. 2 r. Unbeyn, heirs of, 1 a. Byl, Stephen, heirs of, 1 a. Alexander, Geoffr. and bros., 3 r. Curtman, heirs of, 2 r. Orger, Rob., Kint, Joh., heirs of, 3 a. Gemere, Joh. and his fellows, 4 a. Total, 36 a. 3 r. = 73 half acres 1 r. Rent ½d. for ½ acre.

# WELLINGTON, BOISLECOMTE, AND THE CONGRESS OF VERONA, 1822

By Captain J. E. S. GREEN, M.A., F.R.Hist.S. (Rifle Brigade)

*Read November* 8, 1917

There are two excellent reasons for this article. The first is the times in which we live. If it is not written now, it may never be written at all. My second reason is the subject itself. It rescues from oblivion a theory which has undergone the test of no public examination. That theory made its appearance nearly thirty years ago.[1] It has never been accepted, though it seems likely to be true; and it has never been explained. Unless we are to go on blundering for ever, it is time that some attempt was made to clear the matter up.

What is that theory? Let me give the answer in Acton's own words: 'While Canning was straining all his resources to stay the invasion of Spain, the Duke showed his fidelity to his colleague by exhorting the French Government to push on boldly and defy him'.

With the evidence against Wellington I do not propose to deal. Nor is there any valid reason why I should. Of all British historians, Acton was the last to make statements at random. Moreover, his theory was no new one. What he then wrote had been already hinted by one historian,[2] stated definitely by a second,[3] in part substantiated by a third,[4] and perhaps suspected by a

[1] *E.H.R.*, October 1888. J. F. Bright, *A History of England.*
[2] Martin, *Histoire de France depuis* 1789, iv. 308, 1879.
[3] Lamartine, *Histoire de la Restauration*, vii. 106, 1852.
[4] Viel-Castel, *Histoire de la Restauration*, xi. 467-620, 1868.

fourth.[1] The testimony of these writers has since been added to by the light thrown upward from the Petrograd archives as interpreted by Martens.[2]

Nor in what follows shall I make any attempt to deal with the history of the Congress. This paper concerns one of its problems alone, the problem of Wellington; and I hope to be able to isolate that problem sufficiently to justify a separate discussion. What I shall attempt to do is to give some account of the principal source of the evidence against him; to criticise the theory which was put forward at the time to account for his inconsistencies; and to end by providing an explanation, which at any rate has the merit of coherency and works satisfactorily where, so far as I can see, no other explanation will work at all.

It may be as well to say at once that a study confined to the documents in the English archives will not support this explanation. As may be supposed, the Wellington Despatches have guarded their secret well. The incriminating evidence is not to be found at London, but at Paris, and hardly there among the official correspondence. The main body of evidence is confined within the pages of a private diary, then the property of a young man of twenty-six. In the light of these papers the Wellington Despatches become pregnant with a new meaning.

The principal witness against Wellington is Boislecomte, who within seven years of the Congress achieved the highest distinction to which a permanent official can attain in the department of Foreign Affairs.[3] Enjoying in 1822 a considerable reputation in the diplomatic world, he was summoned to Verona at the express wish of Laferronnays and as the trusted confidant of the French ambassador at St. Petersburg.[4] Attached to Laferron-

[1] Coleig-Brialmont, *Life of Wellington*, p. 393, 1862.

[2] Martens, *Recueil*, xi. 306. [3] *La Grande Encyclopédie*, vii. 143.

[4] Russie, 164, Arch. Paris, Laferronnays' despatch, August 10, 1822. 'Son zèle et son infatigable ardeur pour le travail m'ont été de la plus grande utilité pendant les deux derniers Congrès; et j'avoue à Votre Excellence que . . .

nays' legation, he had thus great opportunities of acquiring information, both from the intimacy which existed between that ambassador and the Czar, and from the confidential relation in which he stood to his chief. It is as obvious that his mission was intended to be no sinecure as it is that he did not misuse his opportunities. Boislecomte aspired to write history as well as to assist in the shaping of it, and during his stay at Verona, faithful to the habit which he had formed early in his career, he busied himself in the collection of materials out of which he purposed to write a history of the foreign relations of France under the Restoration. Disappointed in this project, the materials for the work have been deposited in the French archives.[1] So far as the Congress of Verona is concerned, Boislecomte's document, of which the archives contain two original versions, is the most valuable as well as the most complete of all our sources of information. In other respects substantially the same, these two versions differ in that the one gives an account omitted by the other of the secret council of the French ministers of November 8, the knowledge of which, according to Pasquier,[2] was withheld from Villèle. Regarding this document in its entirety, there is no reason to suspect its local character. It goes beyond no fact or incident which could not have been known at Verona at the time, nor does it suggest any of those startling developments which happened subsequent to the closure of the Congress. Part, indeed, was undoubtedly written at the express

j'attacherois un bien grand prix à avoir de plus M. de Boislecomte. J'aurais même pris sur moi de l'emmener immédiatement, si je n'avois pas pensé qu'il étoit convenable et même de devoir d'attendre à cet égard l'autorisation de Votre Excellence. Je le demande avec instance, et si elle veut bien me l'accorder, j'oserais la prier de vouloir bien faire expédier immédiatement à M. de Boislecomte l'ordre le me rejoindre à Vienne; en faisant cette demande, Votre Excellence peut être assurée que je n'ai en vue que le bien du service.'

[1] *Le Correspondant*, September 10, 1901, 'Un Diplomate sous la Monarchie de Juillet,' pp. 840-60.

[2] *Histoire de mon temp*, v. 458 (1894).

wish and for the use of Laferronnays,[1] and both versions alike bear the date of December 15, 1822. Before the author's death, this document had become known through Duvergier de Hauranne, and later fresh aspects were disclosed by Viel-Castel. Nettement did not use it, but he enjoyed an advantage over all his predecessors (and as it would seem, his successors as well) in having had access to Montmorency's account,[2] the loss of which Gervinus deplored as irretrievable. Descending to more recent times, it has received credit at the hands of Stern.

Such in brief is the history of this document and its author. Some knowledge of both is essential, for Boislecomte is the chief exponent of the theory which we have postulated and which we shall now proceed to examine; and it is from this document, though by no means from this document alone, that our most serious charges could be drawn.

If modern history is to stand mainly upon documents, we ought at least to examine these documents with care. A perusal of Boislecomte will open up at once new sources of perplexity to all but the most casual inquirer. For within his pages the two extremes meet, and in order to reconcile these two extremes, he takes refuge in the theory that constitutional Governments, since they are amenable to Parliament, are obliged to practise a certain measure of dissimulation in their conduct of foreign affairs.[3] The impression which Wellington conveyed to

[1] France, Boislecomte, 720, Arch. Paris.

'Ces recherches venant de faire l'objet d'un travail spécial demandé pour le Comte de La Ferronnays à celui qui rédige ce mémoire, on en indiquera ici le résultat tel qu'il fut présenté le 5 novembre à l'ambassadeur du Roi.'

[2] The full title of this piece is 'Écrit sur le Congrès de Vérone'. There is no record of it in the Paris archives, and I have been unable to discover it.

[3] France, Boislecomte, 720, 722, Arch. Paris.

He says furthermore:—

'Le duc de Wellington s'était montré pendant son séjour à Vérone plus occupé de l'effet que ces piéces produiraient sur la nation que de celui qu'elles devaient avoir sur le congrès.

'La nature de la responsabilité d'un ministre constitutionnel lui faisait

Boislecomte seems to have been shared by Montmorency, Chateaubriand, and Alexander, and in his own brilliant way Lamartine has endorsed it and incorporated it in his history.[1]

But if we fall into line with this suggestion, and attempt to explain Wellington's inconsistencies upon the hypothesis that a distinction can be drawn between his conduct as a statesman and his conduct as a parliamentarian, we can only use that hypothesis so long as we exclude from its operation the English Foreign Office. The theory that there was any collusion between Wellington and Canning to carry on a foreign policy unknown to Parliament and unpopular in the country may be dismissed as a dream.

If, then, we are going to get any value out of Boislecomte's suggestion at all, we must accept it in one of two other ways. Either we must assume that, away from the official atmosphere of the conference, Wellington expressed pretty freely his own personal views on the state of Franco-Spanish relations, or else, enlarging upon this hypothesis, we must assume that these personal views were expressed in such a way as to lead the allies to suppose that they were the secret views of his Government. In the latter case, Wellington would be moving away from his instructions, and shaping at Verona a foreign policy of his own.

The first of these alternatives is barely suggested by the text, and as a working hypothesis can only be true

désirer d'éviter les formes officielles et la nécessité de remettre des notes qu'il faudrait plus tard défendre au Parlement.'

Chateaubriand expresses the same idea. *Le Congrès de Vérone*, p. 124:—

'Par la forme de son gouvernement, par l'intervention de l'opinion nationale et de la publicité parlementaire, l'Angleterre était obligée, il est vrai, de mettre de la réserve dans ses réponses; elle ne pouvait pas avoir l'allure dégagée de ces monarchies continentales qui n'ont aucun compte à rendre à leurs sujets.'

[1] Lamartine, *Histoire de la Restauration*, vii. 106 (1852):—

'Il y avait à Londres, comme à Paris, une politique de chambres et de publicité qui parlait à haute voix, et une politique d'aristocratie et de cour qui poussait dans l'ombre. On s'attendait à des discours hostiles de M. Canning; on ne craignait pas ses flottes.'

within limits. It is true in so far as it implies that Wellington's conservative tendencies were well known. For he was no stranger to congresses. He had mingled in the society of Kings and Emperors before. They had treated him as an equal, and had decorated him with their honours. It is true again if merely meaning to imply that in what we may choose to call his purely official relations, he was careful not to overstep the limit of his instructions. But as a working hypothesis it is untrue in so far as it fails to lay stress upon the limits purposely placed on these official relations by Wellington himself,[1] and it is untrue again if taken as applying to his protest of October 30, which he seems to have subsequently withdrawn, for that was a matter pertaining exclusively to the official character of his mission.

Again, if we take a broad view of the Congress, or of any of the Congresses, it becomes clearly impossible to allow of any such duality. It is to differentiate betweeen two things which are really the same. This is not, of course, to say that no distinction can be drawn between a conversation and a conference. There were distinctions, and important distinctions too. There were no official minutes of conversations to which disputants might appeal; there were official minutes kept of the conferences, and a secretary to keep the minutes. At the Congress of Verona as at the Congresses of Troppau and Laybach, the secretary was Gentz. But it is to say that the conferences took little share in initiating, that they were only valuable in so far as they tended to fix opinion, and to give some kind of official endorsement to ideas and decisions which had been come at in quite another way—not always in the most reputable way—rarely in what may be called an official way. The conferences were the formal expression of the ascertained

[1] Wellington was not present at the conferences of November 17, 18, 19. He asked to be excused owing to the embarrassment and regret which he felt while playing his official rôle.

results of private inquiry. Take what conference we will upon Spanish affairs, and each will furnish us with a case in point.[1]

If we fall back, then, upon the second of these two hypotheses, we shall discover at once that it is the more likely to correspond with the facts. And this theory will appear no less true, but more, when we remember that the conditions of diplomacy in the first quarter of the nineteenth century are not those of the first quarter of the twentieth. All the conditions of that day have been upset by the use of the telegraph, and by the development of railways; and foreign policy, owing to sheer physical limitations of time and space, was far less centralised then than it appears to be now.

But even this theory, simple though it be, can only be partially true. It cannot be the whole truth. For it does not tell us why it was at Verona, and not at Paris or Vienna, that Wellington's opinions underwent a change. At Paris he had talked the question over with Louis XVIII and with Villèle, the French President of the Council, and what the tenor of these conversations was we know from the archives of London and Paris. At Vienna he had various opportunities of meeting the Allied Sovereigns and their ministers, and what the tenor of those conversations was we know from Boislecomte as well as from the official records. At Paris and Vienna, and for a while at Verona, he used all his influence to disparage the idea of an armed intervention in Spain, and apparently so successful were his efforts that when he set out from Vienna the political sky seemed bright and the war clouds rolled away.

The problem, then, is more complex than Boislecomte

[1] Montmorency's famous paper of October 20 was the outcome of a conversation with Metternich more than a month previously at Vienna. October 20 is the sequel to September 11. It was the same with the conference of October 31. Metternich had been hawking about his proposals several days before he submitted them to the conference. The general principle holds good throughout.

would have us believe. For we are called upon not merely to reconcile the opinions which Wellington expressed in private with those which he expressed before the conference, but we are called upon to explain in addition how it came about that those personal opinions underwent so rapid and so violent a change. That is the thorny problem to which I would now venture to offer a solution.

Now if we make a careful examination of all the evidence against Wellington at our disposal, we shall discover that, from whatever source it may be drawn, it all lies across a certain date. That date is October 21. Up to that time, so far as I can discover, there is no evidence to suggest that Wellington had previously departed either from the letter or spirit of his instructions. But it is from now onward that the incriminating passages begin to occur, and to occur with frequency. There must be an explanation for this, and the explanation is not far to seek. On the previous day, October 20, the first conference on Spanish affairs had taken place. If, then, we would understand this change, we must first of all understand what took place at that conference.

The conference of October 20 brought Spanish affairs into the open. For it was in this conference that Montmorency delivered his famous paper. This paper declares that war was possible, perhaps probable; that on the part of France it would be a defensive war; that so numerous were the provocations to which she was exposed on the side of Spain, that she was obliged to look forward to the time when she would be compelled to recall her minister from Madrid, and that this measure might precipitate the crisis. And this paper, drawn up by Montmorency in collaboration with his colleagues, concludes by demanding of the Allies a reply to three questions, the first of which refers to the inevitable preliminary of all wars, the severing of diplomatic rela-

tions, and the remaining two to a point in time when hostilities would have actually begun.[1]

Now if the language of diplomacy means anything at all, this paper meant war. Its defensive appearance was merely a move in the diplomatic game, and it was in this sense that it was interpreted by the Congress.[2] The instructions with which Montmorency left Paris are drawn up in the handwriting of Villèle. They dispose once and for all of the untenable hypothesis that France was in any way apprehensive of a declaration of war on the part of Spain.[3] Stored in the archives of Paris, there can be seen to-day the gradual process by which Mont-

[1] For full text of Montmorency's paper, see *Well. Desp. Sup.*, i. 403-4.

The three questions addressed to the Powers were: (1) If France broke off relations with Madrid, would the other Powers do the same? (2) If war were to break out, what moral support were the Allies prepared to give France? and (3) What material support would they be ready to give her if she should ever be in a situation which made such support necessary?

[2] France, Boislecomte, 720, Arch. Paris.

October 24, Alexander to Montmorency: 'Vous vous êtes placés sur un excellent terrain en vous mettant sur la défensive . . . après avoir été condamné à faire la guerre à la France, je serai heureux de la faire avec elle.'

Cf. *Vill. Mem.*, iii. 148, where these remarks are substantially repeated.

That Wellington was in no doubt as to the real meaning of Montmorency's paper is clear from his despatches of October 22 and 29. (See *Well. Desp. Sup.*, i. 409, 457.) As Boislecomte says, the talk at Verona was all of war. Alexander behaved as if war was already declared, and Wellington gave his advice as to how the campaign should be conducted. Prussia openly declared against war on the ground that France was in no way threatened by what was going on in Spain. The Austrian Emperor disclaimed all responsibility, saying he had quite enough to do to look after Italian affairs; while Metternich was of opinion that now the matter had come before the Congress, it were better to do badly than do nothing. On October 26 Wellington suggested to Montmorency to ask for British good offices. The offer was promptly refused. 'If war does break out,' so Wellington is reported to have said, 'we shall have to see which of the two Powers has really provoked it.' Wellington's idea was that if France refused British good offices, it would be certain she was steering for war. (See Wellington's note to Londonderry Memorandum, No. 2, *Well. Desp. Sup.*, i. 485.) Wellington was not very astonished at the refusal. (See *Vill. Mem.*, iii. 164.)

[3] 721, Congrès de Vérone, Arch. Paris.

'Tous ces motifs doivent porter les plénipotentiaries francais à déclarer au Congrès que la France n'a pas plus à redouter l'anarchie de ses voisins—que les autres états de l'Europe; qu'en moyen des trente mille hommes qu'elle a sur sa frontière des Pyrenées son territoire est à l'abri de toute insulte . . .' etc., etc.

morency's paper took its final shape. It is a process which well repays a study, for it reveals the thoughts of more than one mind, and shows that there were moderating influences at work. But whether we compare the first draft with the second, or both with the final form, it is clear that the rupture of diplomatic relations between Paris and Madrid was expected to end in no other way than the way of war.

Six months later, when the transactions at Verona were occupying the attention of our Houses of Parliament, Wellington said of this paper that 'no appearance of force or menace' was to be found in it.[1] For one moment we are almost inclined to agree with Lord King that his Majesty's minister must have been 'completely duped'.[2] But such was by no means the case. Two days after that paper was delivered, Wellington transmitted a copy to his Government, and in his covering despatch he significantly observes that Canning had better judge of its contents for himself.[3] But this is not all. If it be true that no appearance of force or menace was to be found in Montmorency's paper, it has to be explained why in his reply to that paper, Wellington based all his reasoning upon the assumption that there was. Wellington was always careful—Canning thought too careful, George IV not careful enough—to avoid wounding the susceptibilities of the Allies. Yet his reply, which was 'very civil' in intention, created a storm.[4] Even Metternich, who had perused it on three several occasions before it was submitted to the conference,[5] and had even amended it in certain particulars, denounced it as 'wholly detestable and a singular example of inexperience'.[6] What Metternich probably intended to con-

[1] Hansard, *N.S.*, viii. 1225. [2] *Ibid.*, 1059.
[3] *Well. Desp. Sup.*, i. 409. Wellington's despatch of October 22.
[4] *Ibid.*, i. 492. Wellington's despatch of November 5.
[5] *Ibid.*, i. 487, note by the Duke of Londonderry Mem. No. 2.
[6] France, Boislecomte, 720, Arch. Paris.

vey by this remark was that if Great Britain was as sincerely anxious as were the two German Powers to prevent a rupture between France and Spain, Wellington was wrong to have taken Montmorency's paper at anything but its face value. The Austrian and Prussian replies took very good care not to do so. The only two Powers who assumed that this paper, defensive in form, was aggressive in spirit were Great Britain and Russia; and each for an opposite reason—Great Britain, because her minister was instructed that 'if the necessity should arise, or the opportunity should offer, he was at once frankly and peremptorily to declare that to any such interference, come what may, his Majesty will not be a party';[1] and Russia, because it was part of the deliberate policy of the singular and dangerous man who at this time controlled her destinies to exploit ruthlessly and shamelessly, and for his own personal profit, the wholly artificial situation which had been diplomatically created in the Spanish Peninsula.[2] Wellington's diplomatic gifts were not of the highest order, and probably in this case he was influenced largely by Canning's instructions. But he blundered in discovering in Montmorency's paper, not only what he did not want to find there, but what it did not actually contain, and what, moreover, it explicitly denied. He tore through its flimsy pretences and exposed

[1] *Well. Desp. Sup.*, i. 304. Canning's despatch of September 27.

[2] See F.O. Russia, 135, Bagot despatches of $\frac{\text{December 30, 1821,}}{\text{January 11, 1822}}$ 136, $\frac{\text{April 24,}}{\text{May 6,}}$ 1822.

On November 22, 1822, Wellington wrote: 'He (Alexander) wishes to get out of the Turkish question, and in order to effect this purpose, he has required the aid of some affair in Spain,' *Well. Desp. Sup.*, i. 567. So also thought Laferronnays, French ambassador at Petersburg, see Russie, 163, Arch. Paris Desp. January to July 1822. Martens supports this view. Moreover, at Vienna when Alexander saw that the foreign ministers were against armed intervention in Spain, he revived the Russian pretensions with regard to Turkey. Tatischeff lent additional emphasis to Nesselrode's circular note by stating that these affairs 'could only end in cannon shot.' Naturally Metternich was scared. See also *Vill. Mém.*, iii. 160. Mont. Desp. of October 28.

its ill-concealed hypocrisy. But to do so was to break the rules of the game. He learnt his lesson; but he learnt it too late to be of any use to him at the time, and when he began to apply it, he only covered himself with ridicule.

If I emphasise the importance of Montmorency's paper, it is because I believe the key to the problem to lie there. Until that paper was launched into the field, French policy was uncertain. The two German Powers as well as Great Britain were opposed to a war on national grounds. The only two Powers with whom it found favour were France and Russia. Every species of argument, good and bad, sound and unsound, had been used to move these Powers from their hostile persuasion. The issue showed that the time thus spent was spent in vain. Montmorency's paper upset all calculations, and made the Allies apprehensive on another score. It threatened to split the alliance from top to bottom, and the rock on which the alliance threatened to split was particularism. The Spanish Question had been so adroitly handled that in place of European it had now become French, and the alliance originally formed against France was being used by her to promote her own chauvinistic aims. France was going to war. Stripped of its phrases, the French paper meant that, and from the moment that this was certain, all Metternich's brilliant talents, all the authority which he enjoyed as President of the Congress, and by general consent the most consummate diplomatist of his time, were used along three directions: (1) to preserve intact the Alliance, which seemed on the point of breaking up, and which for national reasons Austria wished to sustain; (2) to keep the war within bounds, and thus frustrate Alexander's intention of co-operating by marching Russian troops across Germany; and (3) to ensure that war, if war there was, should on the part of France be a defensive war, that she should go to war as agent, and not as principal—in other words, that if three out of the five

Powers of which the Alliance was composed were powerless to prevent a war, those three at any rate should have it in their power to dictate the terms on which it was to be waged.

The Congress of Verona will continue to baffle all our inquiries, until we frankly recognise that so far as Great Britain is concerned, its main feature lies in the co-operation between Metternich and Wellington. This co-operation began openly and avowedly at Vienna. It was continued at Verona. But we cannot escape the conclusion that in process of time the nature of this co-operation undergoes a change. At Vienna, and for a while at Verona, Metternich and Wellington are working together, and they are working together on the basis of Canning's instructions. But as time goes on we find that something has happened. Co-operation there still is, and even a closer co-operation than before; and yet the thing is not the same. Canning's instructions seem to serve no longer. Wellington has a policy of his own, and the more closely we examine that policy the more suspicious we become. For it is the policy of Metternich.

In saying this I am not making the suggestion that it is possible to fix the precise moment when the views of Metternich and Wellington began to coincide. Even if that could be done, it would have little meaning. Nor do I imagine that it can be done. Austrian policy at Verona passed through three successive phases. The first was the duel with France, and in that duel Metternich, the arch-deceiver, was himself deceived. He came out from the conference of October 20 considerably worsted, and everything seemed about to slip through his hands.[1] Austrian policy entered then upon its second phase, a phase which we may say lasted till November 6, or thereabouts; and in this phase Wellington played a not inconspicuous part. Metternich emerged triumphant. The

[1] France, Boislecomte, 720, Arch. Paris.

danger of Russian troops moving across Germany disappeared. But no sooner was this object achieved than Austrian policy was reversed.[1] That is the startling fact. Austria withdrew her opposition to the war—nay, more, she advocated it, insisting merely that France should act as the instrument of the Alliance. This was the third phase. Its results were to be momentous. Ahead of us in the distance lies Montmorency's resignation, and Chateaubriand, the pupil of circumstance, will yet satisfy his will to power.

And if all this be true, we shall not solve the problems of the Congress by instituting a comparison between Canning's policy and the policy of any of the foreign ministers at Verona. For it will be sheer waste of time. It is not Canning who matters. As the Congress proceeds, he becomes daily a diminishing force. Wellington's policy is the policy that counts, and we are at once led to inquire wherein the difference lies. Wellington was possessed of no desire to read England for Europe,[2] or to split the one and indivisible Alliance into three parts. Canning's policy of splendid isolation met with his frank disapproval. Heart and soul an aristocrat, and, what is more, never pretending to be anything else, he was always prepared to break a lance for the cause, and the inner springs of his nature drew him towards Metternich's political system and away from Canning, whom, in common with many other people of his day, he looked

[1] *Well. Desp. Sup.*, i. 565-6. Wellington's despatch of November 22. 'But having got rid of the great danger of all to the Austrian Government, and that which pressed immediately, the march of a Russian army through Germany into Italy, and this upon my failure by the means of the French minister, he then turned short round upon the remainder of the question . . . and within the last week he has discovered that it was impossible for the Emperor of Austria not to pronounce his opinion upon the Spanish revolution, and against what was passing in Spain.'

[2] A. G. Stapleton, *George Canning and his Times*, p. 364 (1859). 'You know my politics well enough to know what I mean when I say that for *Europe* I shall be desirous *now* and *then* to read *England*.' Canning to Sir Charles Bagot, November 5, 1822.

upon as a mere political adventurer, whose parts were brilliant, but whose principles were unsound.

But having got rid of one problem, we are immediately confronted with another. For how are we to square this theory to any notion of political obligation? Wellington had his instructions. They were precise and unequivocal; and yet he gave the Allies every reason to suppose that if Great Britain was not of a disposition to attack the existing Government in Spain, she might at any rate be brought to connive secretly at its fall. How can we reconcile this with fidelity to Canning, or with the golden maxim by which the Duke professed to regulate his public conduct?[1] We cannot reconcile it with fidelity to Canning, but we may be able to square it to some doctrine of obedience. Wellington was a soldier, with all the defects of those qualities which made him illustrious. Like most soldiers, he had an exaggerated dread of democracy, and was completely baffled by any species of resistance which could not be overceme by force. His education was eminently unsuitable for the rôle of constitutional statesman. It came into collision with professional prejudice; for as a soldier, he held his commission direct from the King. A long exercise of discretionary and almost unbounded power had culminated in the splendour of Waterloo, and since Waterloo he seems to have thought that his great services to the nation had placed him in a position immune from criticism.[2] He did not like Canning as a man; he distrusted his policy as a statesman; and, what is more to the

[1] 'I make it a rule in everything that I do to conform to the orders and wishes of my superiors, whatever difference of opinion there may be between us.' Wellington to Mr. Cook, April 16, 1814.

[2] Wellington's prosecution of the *Morning Journal* in 1830 for criminal libel owing to its criticisms on his administration is the best illustration of this. The articles appeared in the summer of 1829. *Cf.* also what George IV is reported to have said of him in 1828: 'King Arthur must go to the devil, or King George must go to Hanover'. (*Letters of Princess Lieven*, 1902.) Moreover, he had been talked of for the Foreign Office on Castlereagh's death. (*Creevey Papers*, 1905.)

purpose, he knew that his royal master both disliked the one and distrusted the other. And therein lies the explanation—in the wishes of his Sovereign, and in the solicitation of his friends.[1] These would carry the day against the ambition of a democratic minister, whose return to power after an enforced absence of twelve years was looked upon in the high circles to which Wellington belonged as the triumph of the charlatan. It would have been easy to blame Wellington; it has been less easy to explain him.

If, then, the conclusion to which we have come involves a gradual harmonising of English and Austrian views, the explanation of this conclusion lies still before us. And no explanation will satisfy which tends to diminish the reputation which Wellington enjoys among us as a single-minded patriot. Nor need we look for any such explanation. Neither Wellington nor Metternich had any desire to see French troops in occupation of Spain,[2] nor did they attempt in any way to conceal their dislike of any such move. But, given British and Austrian neutrality, if France was going to war, there was everything to lose and nothing to gain by refusing to become at any rate sleeping partners to the enterprise. They would not thereby escape the danger. Their re-

[1] There can be no doubt that even in the Cabinet itself there was a very strong group opposed to Canning's Spanish policy. In the spring of 1823 it looked as if the Tory party would be split in consequence. Marcellus sent to France some interesting details of all this. (See *Politique de la Restauration*, pp. 143, 152, 157, 163.) But by *friends* I do not mean merely English political friends, but the ministers of foreign states gathered at Verona, many of whom were warm friends of Wellington, and no less than he of the High Tory persuasion.

[2] France, Boislecomte, 720, Arch. Paris.

Wellington to the French ministers at the close of the Congress: 'Je crois que vous faites mal d'adopter les mesures que vous venez de prendre, mais je souhaite de tout mon cœur que vous réussissiez.'

See also *Well. Desp. Sup.*, i. 343: 'Prince Metternich feels as we do, an anxious desire that the Spaniards may be left to themselves'.

Also *Vill. Mem.*, iii. 225. 'Deux des ministres ne poussent pas leurs désires au delà, et seraient même fachés que la guerre dut s'ensuivre. La Russie seule sourit à cette chance-là.' Mont. Desp. of November 19.

fusal might destroy the Alliance. Both were compelled by circumstance to exploit a situation which was unfavourable in ever way. Time and distance were against Wellington, and forced him to assume the initiative. Had either acted other than he did, we cannot deny that the Spanish question, in place of being treated by all the five Powers at Verona, would have been disposed of by France and Russia, to the exclusion of the remainder. This was the decisive factor in these events. Unwillingly, but perhaps not too unwillingly, Metternich and Wellington were compelled to acquiesce in a policy far stronger than they wished for fear of losing their moral and political force in the Alliance. Nor is this all. They were concerned no less in upholding the prestige of their respective countries, and it was difficult for this prestige to be preserved unimpaired, if they conformed to a policy tending to place them in a false position by isolating them from the rest of Europe, so that what was done would be done without them, and in spite of them.[1] And if in this matter Wellington led the way, it does not exclude the notion of Austrian promptings.

That seems to be the solution of the problem, and it appears to be the likely solution because it is the only one, in so far as I am aware, that embraces all the facts. We have seen that Boislecomte's theory, in whichever of the three ways we interpret it, must ultimately break down. It reconciles one set of contradictions. But how? By exposing another set which come into collision with his main conclusion. Ingenious as his theory may be, it leaves the problem where it was before, and as far from solution as ever.

If, then, the result of our inquiry were merely to besmudge a splendid reputation, it would not have been worth the writing. But if Acton is right about this matter, important consequences follow. These consequences imply no less than a complete reversal of the

[1] C. D. Yonge, *Life of Wellington*, ii., 95 (1860).

accepted notions as to the place of the Congress of Verona in the development of English foreign policy. Moreover, we shall then hold in our hands the clue to the failure of English diplomacy at the Congress. For in spite of Canning's grandiloquent phrases, which have deceived posterity as well as contemporaries, English diplomacy did fail. It did not succeed in either of its two main purposes. It did not avert a Franco-Spanish war. It did not break with the Alliance. If we are not as yet in a position to state precisely where the responsibility for that failure lies, we may at any rate hope to have indicated the direction.

# THE CORRESPONDENCE OF THE FIRST STUARTS WITH THE FIRST ROMANOVS.

By MADAME INNA LUBIMENKO, Doctor in the University of Paris (Letters).

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The early relations of England with Russia were not only of a commercial, but also of a political character. The correspondence of Queen Elizabeth with the Russian Czars has already been described by the author.[1] The friendly intercourse between both courts had attained the force of a tradition at the end of the century, and even the great unrest, the 'Smuta,' which preceded in Russia the elevation of the new dynasty, had no fatal influence on the position of the English in the Muscovite empire. Since the accession to the Russian throne of Czar Michael, the relations of the two courts, interrupted for a time, were resumed, and an animated correspondence followed between the first Stuarts and the first Romanovs. For the period of thirty-seven years (from 1613-49) we can identify 128 letters, though it is probable that a few others have not come to our knowledge. Of these, seventy-five were written by the English court, sixteen by James I, fifty-seven by Charles I, and two by the young prince Charles; fifty-three letters were written in Russia, forty-four by Czar Michael and nine by his father, the patriarch Philaret. We see that the two

[1] See Inna Lubimenko, *The Correspondence of Queen Elizabeth with the Russian Czars* (*Amer. Hist. Rev.*, April 1917), and *A Suggestion for the Publication of the Correspondence of Queen Elizabeth with the Russian Czars* (Roy. Hist. Soc. Trans., 3 Ser., vol. ix. 1916.

principal correspondents of that time were Czar Michael and King Charles.

If we compare this correspondence with that of the sixteenth century, we find that of ninety-eight letters known to us for the time of Queen Elizabeth, forming a period of forty-three years (from 1561-1603), sixty-five were written by the Queen and only thirty-three by her Russian correspondents. We see, therefore, that the English court was in general more prodigal of letters; but if in the sixteenth century the difference was 1 : 1, 9, for the seventeenth it is 1 : 1, 4.

It has been already noticed that the correspondence of the sixteenth century had its fluctuations, the average being two to three letters a year; the greatest number was seven in 1589, but there were whole periods when the exchange of epistles entirely ceased, for example, from 1575-81. In the seventeenth century the fluctuations are even greater and the average has mounted nearly to four letters per annum. But long intervals cannot be found here. Beginning in 1613 with a very limited intercourse, the correspondence reaches in 1621 the total of nine letters, and for the years 1630-32—twelve, sixteen, and eleven respectively. These are the highest figures for nearly a century (from 1561-1649). But already in the years 1632-41 we find only one to five letters per year, and after 1641 the Russian letters cease, and from 1643-45 we have a period of complete interruption of the correspondence, after which the English court sends again one to two letters per year, but receives no answer from Russia.

The letters of the seventeenth century have nearly all remained unpublished and can be studied only in the archives.

The total of 128 letters which I have identified, is made up of originals, copies, old translations with a few mentioned or described in different sources. The total of originals is ninety-one : fifty-eight English, preserved

at Moscow in the series of *English Letters*[1] of the Archives of the Ministry of Foreign Affairs, and thirty-three Russian, preserved at London in the Public Record Office[2] (*Royal Letters*). In the *Foreign State Papers, Russia*, Nos. 1-3, we find copies of the English letters, with old translations of the Russian, making us acquainted with documents which seem to have been lost in their original form. Old copies and Russian translations are to be found in Moscow in the series of *English Affairs*.[3] We see that the greater number of these letters has come to us in their original form and could be published with full identifications.

The originals of the Czars' letters are generally parchment documents richly ornamented with gold, but the English letters show a still more beautiful ornamentation. The initial letter of the King's name is generally decorated with a handsome miniature of considerable dimensions, which may include the portrait of the King enthroned, or figures of animals, flowers, etc. Coats of arms and symbolical ornaments are depicted on a broad coloured stripe, traversing the upper and side margins. The first line of the title is generally written in large gold characters on a blue or dark red ground, but at the end of Charles I's reign this ground-work disappears. More gold is used at that time in the ornamentation, but the floral decoration is rarer.

The Russian letters are generally very long, a great part of them being occupied by the title of the Czar and a detailed summary of the preceding English letter. The style is heavy and loaded with repetitions. The English

[1] *Anglijskija Gramoty*.

[2] We find here forty-six beautiful originals of the Russian correspondence, from 1581-1680. Two letters belong to Czar Ivan the Terrible, three to Czar Boris (one illuminated), twenty-four to Czar Michaël, eight to the Patriarch Philaret, one to Czar Alexis, one to the ambassador Prozorovsky, and one to the Czars John and Peter. The seals have been preserved unbroken only on three letters of Michael. The Russian copies, made at the Record Office and apposed to each letter, are very defective.

[3] *Anglijskija Dela*.

letters are shorter and simpler, though they also contain some exuberances of style, especially those of Charles I.

This correspondence deals with political and commercial questions, but politics have a large place.

Czar Michael at his accession was in a difficult situation. The treasury was empty, the land devastated, the army entirely disorganised, rebellion and treason seemed inrooted in the political life of the vast empire which had to be pacified, the wars with Poland and Sweden being brought to an end. Happily Russia was tired of troubles and aspired to peace and order; yet help from abroad was imperatively needed.

Soon after his coronation the young Czar, nearly a boy, sent embassies to the courts of England, Holland, Denmark, and France, asking for money to continue the Swedish war, or for mediation with a view to a peace with Gustavus Adolphus. Sir John Merrick, Knight,[1] an influential member and later governor of the Muscovy company, was sent over from England with a letter from King James, dated June 19, 1617,[2] recommending him as a mediator, apt to consolidate the ancient amity of both countries, and to help the conclusion of peace between Russia and Sweden. After this epistle had been read to the Czar (January 3, 1615), drafts from earlier letters and privileges were prepared to acquaint him as to the relations of his predecessors with the Kings of England.

Merrick soon proved to be a most energetic and tactful mediator. His first step was to go personally to Narva; whence he reported the difficulties of the situation to the Czar,[3] who wrote to James, asking him to assume personally the rôle of arbitrator or to help Russia against Sweden with his armies.[4] When the efforts and the

[1] Some of his earlier letters are preserved at Moscow in the series of *English Affairs*. For later times see Guildhall Records, *Remembrancia*, iii. and iv.

[2] An old Russian translation in the work of Lygin, *Stolbovsky dogovor*, Append. No. 7. The original seems to have disappeared.

[3] December 1615, *State Pap. Russia*, ii. fol. 216, original with the seal of Merrick.

[4] *Engl. Lett.*, 23, August 18, 1615.

ability of Merrick had at last succeeded in carrying through the negotiations,[1] the Czar wrote again (September 30, 1616), expressing his pleasure at hearing the good news.[2] The services of Merrick have been fully appreciated in the descriptions of the negotiations; these often took place in his own lodgings; he opened the proceedings at the first meeting of the parties with an address in English; he also wrote many times to the Czar and English King and received their personal answers.[3] When peace at last was signed, in February 1617, the treaty was left in his hands, as well as the 20,000 roubles, which the Czar had to pay to Sweden. On June 1, 1617, James warmly congratulated the Czar on the conclusion of this peace.

Two Russian ambassadors, Volynsky and Pozdeev, accompanied Merrick to England with instructions to continue the negotiations with the object of concluding a loan in England and to pave the way for a 'perpetuall league and alliance against all mutuall ennemies'.[4] The English merchants decided to invest their capital in this Russian loan, the East Indian Company joining with the profits.[5] Muscovy Company on condition of a share in its The sum of £200,000 was invested, and Sir Dudley Digges, a most eminent member of the Muscovy company, was chosen to transport it to Russia and hand it over to the Czar. The conditions were: 1. Free trade with Persia through Russia. 2. A privilege for the trade in hemp and flax and the exportation of cordage. 3. Exclusionof the Dutch from the Russian privileges. 4. Establishment of a fixed date for the repayment of the loan.

Sir Dudley Digges landed safely on the Russian coast,

[1] *State Pap. Russia*, ii. fol. 224, August 10, 1616.

[2] *Ibid.*, i. fol. 91, and *Engl. Lett.*, No. 24.

[3] *State Pap. Russia*, ii. fol. 229, and Lygin, *Stolbovsky dogovor*, nine letters to Gustavus Adolphus and a letter of the Czar to Merrick.

[4] *Nero*, B. XI., fol. 320; *Cal. St. Pap. Dom.*, 1611-18, pp. 494, 497, and 530; *State Pap. Russia*, 2, Feb. 4, 1618, and *ibid.*, fol. 236.

[5] *Cal. State Pap. Dom.*, 1611-18, pp. 532, 533.

but after having reached Kolmogory, suddenly with great secrecy left his Russian suite, and returned home, leaving only £40,000 in their hands; the rest was brought back to England and never reached the hands of the Czar.[2] Michael received the rest of the embassy, and accepted the £40,000,[2] which were paid back two years later through Merrick, a letter of the Czar announcing the fact to King James.[3]

The conduct of Digges provoked great amazement in Russia and its motive has not been hitherto explained. But the negotiations for the conclusion of an 'eternal league and friendship' between both countries were not interrupted; their beginnings can be retraced to the sixteenth century, for a document of 1569 mooted the project of an eternal political alliance, on behalf of Czar Ivan the Terrible,[4] which was, however, declined by the president Elizabeth. The new Russian dynasty, which had to seek for friendship and help abroad, took up the matter again and now found a more favourable reception in England.

The English merchants, who had always promoted the friendship between the two countries, presented to the Council a memorial, containing useful instructions as to how the negotiations with the ambassadors should be conducted.[5] The possibility of a league is seriously considered in some of the letters of that period;[6] but the real object of the Russian court was to find in England help against the Poles.

The instructions received by Merrick to continue the negotiations proved insufficient; a long letter of Michael

[1] *Engl. Affairs*, 1618, July 2.

[2] *Ibid.*, 1619, No. 1, January and July.

[3] *Royal Lett.*, 49, original, and *State Pap. Russia*, i. fol. iii., Engl. translation, August 17, 1621.

[4] Tolstoy, *The First Forty Years of Intercourse between England and Russia*, Nos. 21 and 44.

[5] *State Pap. Russia*, ii. fol. 253, March 28, 1618.

[6] *Ibid.*, fols. 249-52, May 1618, and Bantysh-Kamensky, *Obzor vneshnik snoskeny*, May 31, 1618.

complained that he had refused to give a direct answer to the Russian court, and expressed doubts as to the serious intentions of James in the matter.[1] The two Russian ambassadors, Pogozev and Vlasiev, who brought this letter, waited in vain during the whole winter for a definite answer from the English court.[2] At their departure they were joined by Merrick, but the letters conveyed by the latter both ignored the question of a treaty.[3]

At last, in November 1623, an English merchant, Christopher Cocks, arrived at Moscow and declared in his first interview with the 'boiars' that he had brought with him the text of a treaty, signed and sealed by King James.[4] The joy of the Russian court was great at this happy news, but it was soon turned into disappointment, as Cocks ten days' later denied this statement,[5] asserting that he had come only to hear the propositions of the Czar. Michael thereupon wrote a long letter to the English King, asking if Cocks was really authorised to treat or not,[6] but James died without having answered this question.

And yet we know that an act of this kind had been really signed by him, sealed by his royal seal, and committed to Cocks.[7] This was an instrument of political alliance, but contained also regulations for the commercial intercourse between both countries. Its tenor might furnish an interesting subject for a special paper. In case one of the allies was involved in war, the other was to help him with troops and ammunition, to give

[1] *Royal Lett.*, 49.

[2] An evasive answer in *State Pap. Russia*, i., also Alexandrenko, *The Rôle of the Privy Council in the Diplomatic Relations*, (Board ofEducation, 1889, November, p. 269).

[3] *Engl. Lett.*, Nos. 30 and 31, June 1, 1622.

[4] *Engl. Affairs*, 1623, No. 1, November.

[5] An undated paper in *State Pap. Russia*, ii.

[6] *Royal Lett.*, 49, and *State Pap. Russia*, ii., June, 1624.

[7] *Foedera*, t. vii. pp. 71-3, "Articles of a Perpetual League and Alliance," etc.

his armies a passage over his lands, to refrain from selling victuals or ammunition to the enemy, and to assist the conclusion of peace.

Though this was a much looser alliance than had been intended by Czar Ivan, it still wore the character of an eternal offensive and defensive treaty. Its commercial paragraphs were also less important to the Muscovy company than its earlier privileges. This document in fact clearly indicates the changed position of the English in Russia during the last fifty years. Their rôle of pioneers was now nearly forgotten, other strangers had long ago followed their example and obtained friendly reception and privileges from the Czars.

A special paragraph of the treaty was directed against interlopers, who had to be 'excluded from the protection and benefit of this treaty and together with their goods delivered unto the agent'. This stipulation seems to afford the key to the conduct of Cocks, who in one of his letters[1] ingenuously confessed, that the treaty had been committed to him. A later document speaks of Cocks as 'a brother of the greatest interlopers,' and this suggests that he may have found it more profitable not to discover the treaty.

The death of James interrupted these negotiations, and, though the correspondence was continued by Charles, who expressed his desire to 'happily inherit together with the crownes and kingdoms of our dear father, that princly alliance,'[2] the negotiations about the league were definitely dropped. In his letters Charles used words expressive of friendship; 'being no less anxious to preserve than his father to begin this strict alliance and brotherly amity,' he promised 'to answer those sweet effects of brotherly love and respect by all the like royal expressions'.[3]

[1] *State Pap. Russia*, ii., Aug. 14, 1624; see another of his letters, *ibid.* April 17, 1624.

[2] *Engl. Lett.*, No. 38.

[3] *Ibid.*, No. 37, Feb. 1, 1627.

One of the new subjects of that correspondence was the military help of England for the reorganisation of the Russian army. On November 29, 1630, Michael had asked permission from King Charles to buy in England 5000 muskets and other ammunition.[1] In a party of officers, arrived that year from England, we find the Scotch colonel, Alexander Lesly, who was soon despatched abroad to find 5000 foot soldiers for the Russian service. A letter (January 29, 1631)[2] was sent with him to King Charles, announcing the intention of the Czar to make war on the Poles and asking for permission to buy ammunition and enlist soldiers and officers in England. Lesly, however, had little success there, and he continued his search in Sweden, Denmark, and Holland whence he wrote to Charles,[3] who had sent out another Scottish officer to Russia to be employed by the Czar instead of Lesly, an offer which was declined.[4] In a letter dated January 4, 1632, Michael asked again for permission to levy soldiers and to purchase in England 5000 swords,[5] and the King 'out of his love and respect of his dear brother,' granted both requests.[6] An English merchant, John Cartwright, brought the promised arms to Moscow with a letter from Charles;[7] and on August 17, 1634, Michael could at last announce to England the happy news of the conclusion of a peace between Russia and Poland,[8] receiving from the English King (January 5, 1635) very gracious congratulations[9] on this event.

If many letters of the seventeenth century, treating

[1] *Royal Lett.*, 49. An answer to this letter from May 20, 1631, in *Engl. Lett.*, No. 58; see also *ibid.*, No. 59, a letter from Charles to Philaret.

[2] *Royal Lett.*, 49.

[3] *Cal. St. Pap. Dom.*, t., 1631-3, 1631, Aug. 18.

[4] *Royal Lett.*, 49, March 4, 1631.

[5] *Ibid.*, 49.

[6] *Engl. Lett.*, No. 61, June 18, 1632.

[7] See letter of Cartwright, May, 1632, in *State Pap. Russia*, ii.; also 1632, No. 3, November 1, and *State Pap. Russia*, iii.; also a letter of Michael to Charles, dated May 31, 1638, in *Royal Lett.*, 49.

[8] *Royal Lett.*, 49.

[9] *Engl. Lett.*, No. 69, original, and *State Pap. Russia*, iii. fol. 245, copy.

of important political questions, are precious and detailed documents for the history of that time, there are also many other very short epistles. Some of them announce the expedition of new ambassadors or agents,[1] often in the form of safe-conducts to these persons,[2] some are simple recommendations, given to different Englishmen, merchants, doctors, officers, desiring to enter into the Czar's service.[3] In this category may be mentioned letters of the English Kings in favour of Englishmen or other strangers, serving the Czar and desiring to return to their native country,[4] as well as the Czar's answers to them.[5]

Sometimes this correspondence, concerning the position of Englishmen in Russia or Russians in England gives valuable glimpses into their personal affairs. Such was the case of Anne Bernuli, an English widow, married in Russia to a French baron, forced by him to embrace the orthodox religion, and shut up after his death in a Russian monastery. The intercession of the English King had no success, the Czar alleging the necessity of her remaining under the safeguard of the Russian clergy.[6]

An interesting series of letters relates the vicissitudes of Russian boys in this country. Czar Boris had already chosen some young Russians to be sent to learn abroad, and four of them had been taken by John Merrick to England. During the "Smuta" they were forgotten there, but later their return was desired. This, however, was no easy matter. They had shown a great capacity for assimilation, and had adopted the English standard of life; one of them had gone to the colonies, another had become an English clergyman. Their countrymen could not be easily reconciled to their defection, and the English court was suspected of self-interest in keeping them back.

[1] For example, *Royal Lett.* 49, June 1613, and *Engl. Lett.*, No. 27, May 31, 1618, and No. 62, June 18, 1632.

[2] *State Pap. Russia*, ii., June 1613. [3] *Engl. Lett.*, No. 29, June 11, 1621.

[4] *Ibid.*, Nos. 54 and 55, Jan. 20, 1631, and No. 67, Dec. 24, 1633.

[5] *Royal Lett.*, 49, October 20, 1632. [6] *Ibid.*, 49, March 7, 1638.

On June 17, 1621, Michael wrote in that sense to the King, expressing his wish that they should be sent home,[1] but his intervention had no success.

Other boys, sons of strangers, interpreters and doctors, had been sent from Russia in his reign. A letter of Michael (February 13, 1628)[2] on behalf of one of them, John Elmson, who had been sent in 1622 to study physics in Cambridge, asked, that, after having been taught with all attention and speed, he might be sent back to Russia. Two other letters[3] speak of a certain Almanzenov, who had studied in Cambridge "Latin, Greek, and other liberal sciences," and then was allowed to go to France and Italy. It is interesting to notice that the English King maintained this lad "at his own wages and nurriture".[4]

Though commercial questions are not of the first importance in the correspondence, many letters, especially in the reign of King Charles, give interesting glimpses of the English trade in Russia. Notable articles of English import were cloth and metals, but the export from Russia was of more interest to the King; sixteen letters debate the conditions on which grain might be brought out of Russia. Since 1628 the prices of corn were going up dangerously in Europe, and after 1630 England suffered nine successive years of scarcity. Eight letters of Charles, written from 1628-30, asked for the exportation of grain from Russia by different Englishmen.[5] On October 10, 1629, he explained his requests by 'reason of a great dearth and scarcity of corn, which

[1] *State Pap. Russia*, ii. fols. 103 and 116, two translations of this Russian letter, the original seems to have disappeared.

[2] *Ibid.*, ii. fol. 171.

[3] In *Royal Lett.*, 49, Feb. 13, 1628, and Dec. 7, 1630; also *English Affairs* 1630, No. 5, Dec. 7.

[4] Letter of Charles, dated May 20, 1631.

[5] *Engl. Lett.*, No. 40, April 12, 1628, No. 44, October 31, 1626, Nos. 48 and 49 and 51, August 10, and September 10, 1630; Nos. 52 and 53, September 17, 1630, and No. 54, September 30, 1630.

has lately been and still continues in our kingdom of Ireland, whose wants we are in all princly compassion to releave, as also in regard of that extraordinary quantity of corn, which is dayly shipped out of our kingdoms of England and Scotland to supply the necessities of the Princes of our confederacie, whose dominions ly wasted and ruinated by the fearfull destruction of a long and bludy war'. This wish was to buy at least 100,000 quarters of grain, but only 30,000 were allowed by the Czar (March 4, 1631),[1] who had excused himself by the scarcity of grain in Russia, though other countries had at several times been allowed to export grain.[2] In a letter of thanks Charles petitioned that the remaining 70,000 quarters may be sent in future,[3] but this privilege was never obtained.

Many years later (February 7, 1646) Charles wrote to the new Czar Alexis, asking for a permission for a certain Luke Nightingale to buy 300,000 quarters, and proposing to pay for them with English cloth;[4] this petition was repeated in 1648 from the Isle of Wight,[5] and at the end of the year a request was received from Hague from the young Prince Charles to buy 40,000 quarters of grain for Ireland.[6] All these last letters remained unanswered; we know that letters of recommendation, given by Charles for such commercial operations, generally without the knowledge of the Muscovy company, and often to persons of bad reputation,[7] who simply paid a good price for them, had produced a deplorable effect and discredited the King's recommendations at the Russian court.

[1] *Royal Lett.* 49.

[2] *State Pap. Russia*, ii., letter of the agent Fabian Smith, original, with a seal.

[3] *Royal Lett.*, 49.

[4] *Engl. Lett.*, No. 79.

[5] *Ibid.*, No. 81.

[6] *Ibid.*, No. 82.

[7] See, for example, evidence as to a certain William Bladwell, *State Pap. Russia*, iii., and *Engl. Lett.*, No. 74, December 17, 1639, and *State Pap. Russia*, iii. fols. 280-91, June 20, 1640.

Another article of export from Russia was tar, badly needed in the English rope-walks. On March 25, 1636, Charles wrote to ask permission for Englishmen to export, custom free, 3000-4000 barrels of tar yearly for seven years, 'which, without prejudice to your affairs, may accommodate our navy, which is an important part of that power wee have to assist our good friends and annoye our enemies when there shall be cause'.[1] An answer (January 11, 1638) informed him that, with the consent of the English merchants, this trade had been already given up to the Dutch, the English being only allowed to buy tar in Kolmogory and Arkangelsk.[2] On this Charles wrote again,[3] but his new petition had no better success. The demands of the King and the company were not co-ordinated, and this produced a bad effect in Russia.

Nearly all the principal questions relating to the organisation and activity of the Muscovy company are mentioned, and sometimes in great detail, in this correspondence. One of the most important points was the reorganisation of the Muscovy Joint-Stock into a Regulated company. A letter of James, dated May 30, 1623, had announced to the Czar the intention of the English to trade 'in a several and particular trade every man for himself'.[4] But the joint-stock organisation of the English had received the sanction of time in this conservative country, and the news of a reform provoked a series of questions from the Czar, who asked for information as to the reason of the change, the number of merchants who would trade 'in several and apart,' and if they would have a principal agent.[5] The company itself was not

[1] *Engl. Lett.*, No. 71. See also for earlier years *English Affairs*, 1622, No. 2; 1625, No. 4; 1627, No. 1; 1628, No. 1

[2] *Engl. Lett.*, No. 73.

[3] *Ibid.*, No. 73, and *State Pap. Russia*, iii. fols. 289-91, June 20, 1640.

[4] *Engl. Lett.*, No. 34, original, and *State Pap. Russia*, ii., copy.

[5] *Royal Lett.*, 49.

unanimous on this question;[1] the party of reform prevailed, but only for a short time.

Another point was the permission to pass by the newly discovered route to Arkangel. A letter of Charles (April 23, 1629) explained that the English 'by reason of the troubles of these parts of Christendom at this time are compelled for their better safety to send into your Majestie's dominions ships of greater force and burthen than heretofor they have used, which, by reason of the shallowness of the water upon the bar of Podozemsky, are forced to ride in open sea and there to lade and unlade their goods in boats and small vessels to their great danger, trouble, and charges'.[2] Other letters of the same kind followed[3] and at last (July 8, 1631), the Czar announced that the passage by the new bar could not be granted.[4] During the following years Charles returned to that question,[5] but as the English merchants had refused to pay a supplementary custom for the maintenance of the new bar, its use remained forbidden for a long time.[6]

The commercial relations of Russia with England cannot of course be studied by the correspondence of the courts alone, other documents having a much greater importance for that subject. But as the great London fire of 1666 burned nearly all the papers of the Muscovy company, the historian has to utilise every document of that period throwing a light on the efforts of England to keep and develop its commercial relations with Russia.

The deplorable political condition of England at that

[1] *State Pap. Russia*, iii. "The openione and advice of Sir John Merricke and some other Brethren of the Muscovia Company, concerning the trade of Russia.

[2] *Engl. Lett.*, No. 42.

[3] *Ibid.*, No. 45, Oct. 31, 1629, and No. 46, Jan. 5, 1630.

[4] *State Pap. Russia*, ii. fols. 279-83.

[5] *Ibid.*, fols. 138-40, June 8, 1632, and fols. 142-4, June 22, 1634.

[6] *Royal Lett.*, 49, original, and *State Pap. Russia*, iii. fols. 271-3, English translation, May 31, 1637.

time had produced serious disaffection among the King's agents in Russia, as we have seen by the conduct of Sir D. Digges and Christopher Cocks. This had probably a greater influence on the estrangement shown by the Russian court to the English at that time than the news of the conflict between Charles and his Parliament, constitutional theories finding no credit in the Muscovite empire. Of course if the league had failed, the principal reason was not the conduct of Cocks or the death of James, but the difficulty of co-ordinating the politics of both countries, England having had little reason and interest to ally herself with a country of slender military resources against Poland or Sweden. And yet in 1623 the Anglo-Russian alliance had been very nearly concluded.

The Russian merchants grudged the English their privileges and envied their successes, longing to evict them from the native markets. Several times they had petitioned against them and at last succeeded. The young Czar Alexis, who had left unanswered all the last letters of Charles, showed a sincere indignation at the news of his violent death, wrote a protest on that behalf to all European courts, and banished in 1649 the English merchants from Russia, under the pretext of this bloody crime. An attempt made by Cromwell to renew commercial relations had no success, and his ambassador was not received;[1] but an intercourse existed between Czar Alexis and Prince Charles, whose ambassador even obtained for his master a loan of 40,000 rix-dollars, payed in firs and corn.[2] When after the Restoration the relations and correspondence were again resumed, the activities of the English as the 'discoverers of a new country' had definitively come to an end; the Dutch had profited by their banishment and had taken their place.

[1] *Cal. St. Pap. Dom.*, t. an. 1655, p. 316.
[2] *Engl. Lett.*, No. 85, July 30, 1655.

# THE CEYLON EXPEDITION OF 1803

By Miss V. M. METHLEY, F.R.Hist. S.

*Read April* 11, 1918.

In the year 1505 the Portuguese, under Albuquerque, discovered Ceylon, and from that date until 1818 the island was the scene of intermittent warfare between its original possessors and successive European Powers.

The Maritime Provinces, a belt of territory encircling the coast to a depth of from eight to thirty miles, were held in turn by Portugal, Holland, and England. In each case the invaders began cautiously with commercial settlements and treaties, and having thus obtained almost complete control over the export trade of Ceylon, attempted the conquest of the Kandyan dominions, which comprised all the mountainous regions of the interior.

These highlands formed an almost impregnable stronghold for a warlike and subtle race, as the European interlopers discovered.

The severity of the Portuguese administration so exasperated the natives that in 1602 the King of Kandy invited the Dutch to establish a rival settlement in the island, and concluded a commercial treaty with Holland. This naturally led to hostilities between the two European Powers, and for a time the new-comers were expelled. The Portuguese attempted the complete conquest of the Kandyans in retaliation, but two expeditions despatched into the interior in 1623 and 1634 were defeated with appalling losses.

The Portuguese, however, retained their hold upon the coast, and in 1636 the King of Kandy sent to the

Dutch East India Co. complaining bitterly of the tyranny which oppressed him, and begging for help to drive his enemies from Ceylon. The Dutch agreed, and undertook to expel the Portuguese from Ceylon, without exacting any remuneration for their services.

In 1639 Batticaloa, the first Portuguese fortress, was taken by Admiral Westerwold, but Jaffnapatam, their last stronghold, was not reduced until 1658.

The Dutch were now firmly established in the Maritime Provinces, and proved themselves no less autocratic than their predecessors. After seizing many posts in the outskirts of the Kandyan dominions, they despatched an expedition in 1763 to reduce the capital. After holding Kandy for nearly nine months, the Dutch Commandant Frankena found the position untenable. In an endeavour to cut his way back to Colombo, he and his whole force was surrounded by the Kandyans and almost entirely destroyed.

At this juncture the British Government at Madras sent an envoy to the King of Kandy, assuring him of the friendship of Great Britain, and offering him assistance against the Dutch. As we were then at peace with Holland, these overtures were not calculated to give the Kandyans a favourable impression of English good faith.[1]

For the time being, however, the matter dropped. The Dutch succeeded in driving the Kandyans back and strengthened their position by the conclusion of a very favourable treaty in 1766. However, on the outbreak of war between England and Holland, the Madras Government in 1782 attempted the conquest of Ceylon, and Admiral Hughes took Trincomalee. A deputation was sent to Kandy, proposing a defensive alliance against the Dutch, but the King was unwilling to commit himself.

[1] 'On the glaring want of good faith and the impolicy of this embassy, at a period when England and Holland were not only at perfect peace, but in strict alliance, no comment is necessary' (Marshall, "Description and Conquest of Ceylon," p. 63).

This same year the French, under Admiral Suffrein, retook Trincomalee, and the Kandyans concluded a treaty with France in 1792. In 1794, when the United Provinces of Holland were conquered by Pichegru and became the Batavian Republic, the English took the part of the exiled Stadtholder, and proposed to wrest the Maritime Provinces of Ceylon from the Franco-Dutch forces on his behalf. This annexation began in August 1795 and concluded with the surrender of Colombo in February 1796 to the British forces under Colonel Stewart.

The Dutch ascendancy in Ceylon was at an end, since from the first it was plain that the proposal to hold the provinces in trust for Holland was a mere blind. The administration of the Governor in Council at Madras began on February 16, 1796, and in 1798 the Maritime Provinces of Ceylon were transferred to the Crown of England, and the Honourable Frederick North was appointed on October 12 to administer the Colony under the control of the Madras Government. At the Peace of Amiens (1801) Ceylon was transferred, from January 1, 1802, to the immediate control of the Secretary of State for the Colonies, an office at this time held by Lord Hobart, afterwards fourth Earl of Buckinghamshire.

North was the third son of the Earl of Guilford, and had won much personal popularity, as well as a reputation for tact and adroitness as Chief Secretary for Corsica.[1] He was a man of most cultivated and artistic tastes, but inexperienced in the political and psychological problems of the East.

The errors and maladministration which were, in 1803, to lead to the Kandyan disaster are partly attributable to the transitional state of both the civil and military Governments of Ceylon at this time. When the island became a Crown Colony, it was in contemplation to separate the Ceylon establishment from that of Madras, and the consequent division of authority between the

[1] *Sir Thomas Maitland*, Walter Frewen Lord, p. 72.

War and the India Departments was comparable to that which prevailed during the earlier stages of the present Mesopotamian campaign.[1] The results were equally unfortunate.

North's own policy, however, is fully revealed in the letters which passed between him and the Home Government, since, unfortunately perhaps for the credit of both parties, what Mr. Fortescue calls the 'detestable system of inflated correspondence'[2] was then in full force.

It was a policy which, on the whole, was neither calculated to conciliate our own subjects, nor to gain respect from our enemies, a policy which almost deserves the severe censure passed upon it by a contemporary writer when he calls it both 'cruel and unsuccessful'.[3]

In 1798 the King of Kandy, Rájádhirája Siṇha died, and a boy of eighteen, Kannasámí, the son of a sister of one of his queens, was raised to the throne by popular election and the influence of the First Adikar, or Prime Minister, Pilima Talawuwé, under the name of Srí Wikrama Rájasiṇha. This Minister was a man of most powerful and subtle intellect, and his aim, as afterwards avowed, was to render the rule of his puppet King so obnoxious that the Kandyans would expel him and so end the Malabar rule which had prevailed since 1739. Pilima Talawuwé then intended to found a native dynasty in his own person. Meanwhile Muttusámí or Buddhasámi, a rival claimant to the throne, fled into British territory and found a refuge at Jaffnapatam.

In 1799, soon after the arrival of North in Ceylon, the First Adikar opened communications with him. He suggested co-operation in his schemes to assassinate the King and place himself upon the throne, in return for which help he promised to acknowledge British supremacy in Ceylon. These proposals were definitely re-

[1] C.O. 54, 11, vol. ii. May 7, 1803.
[2] Hon. J. Fortescue, *History of the British Army*, vol. v. chap. v.
[3] Major Forbes, *Eleven Years in Ceylon*, London, 1840.

jected, and, for the time being, Pilima Talawuwé appeared to renounce his projects. In March 1800 Major-General MacDowall, who commanded the forces in Ceylon, went on a special mission to Kandy, but the negotiations fell through, as the British were not prepared to accede to the Kandyan demand for a seaport.

Throughout 1801 the Governor's despatches display growing uneasiness with regard to the Kandyans. He noted in October that for eight months there had been no direct communication between himself and the Court, and that its attitude while 'sullen, if not disrespectful towards my Government, has not shown any appearance of active hostility'.[1] North had heard, however, that the First Adikar was meditating a new revolution in favour of a Prince of the Blood.[2]

Pilima Talawuwé was certainly not inactive, and since such a course seemed likely to further his aims, he intended to stir up war between the King of Kandy and the English. His first attempt was unsuccessful. In 1801 he tried vainly to insinuate that the 5000 British troops assembled at Trincomalee under Colonel Wellesley for the reduction of Batavia, were really intended to invade Kandy.[3]

North's despatch, already quoted, of October 5, gave a despondent account of the 'present calamitous circumstances of the Island'.[4] The Home Government were economising at the expense of the army, and reducing the establishment in Ceylon to a force 'by no means sufficient in time of war'.[5]

A couple of months later[6] the Governor complained bitterly of the miserably defective state of almost all the articles of ordnance sent out from England, and the cheeseparing policy of the Government is reflected in a

[1] Ceylon, 1801. W.O. 1, 363. North to Hobart, October 5, 1801.
[2] Muttusámí. [3] Sir J. E. Tennent, *Ceylon*, vol. i.
[4] Ceylon, 1801. W.O. Records. North to Hobart, October 5, 1801.
[5] *Ibid.* [6] *Ibid.*, 1, 363. North to Hobart, December 19.

letter from North to MacDowall, who had written urging the 'absolute necessity' of forming an adequate transport corps.[1] 'I certainly wish that establishment, as well as every other,' the Governor writes, 'to be on as small a scale as safety will allow.'[2]

It is plain that North was conscious of the inadequacy of his military forces, for he wrote to the Duke of York, then Commander-in-Chief, urging that three regiments of European infantry was the very lowest number which could be allotted for the defence and security of Ceylon.[3]

At the time of the subsequent disastrous campaign there were only *two* British regiments in the island, and those at low strength and decimated by disease. Moreover, the assurance given to North that he would find the Government of British India ready to give him every assistance 'in cases of real and urgent necessity'[4] was to prove an empty promise. When that help was desperately needed, the only answer received from Clive and the Council at Fort St. George was that there was no expectation of their being able at present to move a part of their military establishment for service in Ceylon.[5]

The intrigues at the Court of Kandy increased during the year 1802 to such an extent that the Governor was completely bewildered, and he wrote to Hobart, saying that their machinations were so complicated and incomprehensible that he could answer for nothing but his own intentions.[6]

Negotiations dragged on, and in February 1802 Mígastenné, the Second Adikar and son-in-law to Pilima Talawuwé, came on an embassy to Colombo and made secret attempts to renew the First Adikar's proposals. These

[1] W.O. 1, 363. MacDowall to North, October 30, 1801.
[2] *Ibid.* North to MacDowall, December 19, 1801.
[3] *Ibid.* Miscellanies, March 11, 1802.
[4] *Ibid.* Miscellanies, Dundas to North, March 1801.
[5] C.O. 54, 10, vol. i. Clive to North, February 11, 1801.
[6] *Ibid.* North to Hobart, January 15, 1801.

being rejected once more, Pilima Talawuwé resolved upon open war with the British, and the act of aggression which brought this about was fully detailed by North in his despatch of January 15, 1803, and in a letter to Lord Clive, written a few days later.[1]

In the month of April, 1802, the First Adikar in person, as was proved by depositions[2] seized the arecanuts and baggage of certain Puttalam traders, who were British subjects, the areca, valued at £1000, being sold by the Adikar's people at Ruwanwella. After investigating the case, North sent a remonstrance to the Court of Kandy, and received a promise of restitution and reparation. This promise was not fulfilled, and a correspondence followed, evasive on the one side and increasingly threatening on the other, until finally the Governor ordered his troops to march into the Kandyan territories, at the same time publishing a Declaration to the effect that it was intended to obtain full indemnification for the expense to which the Government had been put 'by the iniquity of the Court of Kandy and to exact sufficient security against the repetition of similar outrage'.[3]

At the same time North sent a letter to the King of Kandy, enclosing a Convention, by the articles of which the King bound himself to pay the full cost of the military preparations within a year, ceding, as security, the Province of the Seven Kóralés, to recognise the absolute authority of Great Britain over the seaboard, and to permit a road and a canal to be constructed directly through the heart of his dominions, connecting Colombo with Trincomalee, for the convenience of British troops. Other clauses still further strengthened the power of the invaders, whilst, as an extremely meagre equivalent, the King and his heirs were to be 'recognised' by the British

[1] C.O. 54, 10, vol. i. North to Clive, January 30, 1801; North to Hobart, January 15, 1801.

[2] *Ibid.* July 22, 1802. [3] *Ibid.*

Government. North concluded by saying that all would be well if the King and his Ministers signed this treaty, but that otherwise the British Government would be at liberty to recognise and support the claim of 'any other Prince of the Sun, to the Diadem now worn by your Majesty'.[1]

The tortuous policy suggested here is shown more clearly in the secret instructions given to MacDowall. The General was told that he must reach Kandy at all costs, leaving a force in occupation of the Province of the Seven Kóralés as it was desired 'that the inhabitants should become subjects of Great Britain'. And this, although by the proposed Convention itself, it was only required that the Seven Kóralés should be held until the King had paid the war-indemnity.[2]

MacDowall was instructed only to withdraw his troops after the Treaty had been signed, and he was warned to be wary with regard to Pilima Talawuwé, the 'chief instigator of the war'. Nevertheless, should the power of the Chief Adikar prove to be very great, North was quite prepared to vest him with full authority in Kandy, and even to forward what are euphemistically described as his 'own ends' if 'obliged to do so, by strong State necessity'.[3]

With regard to Muttusámí, the Pretender, North's instructions were equally disingenuous. He had heard that the Prince's party was numerous and powerful, but decided that the British Government could not, in good faith, hold any direct correspondence with it, unless the King rendered it positively necessary for the public safety to proceed to the proclamation of another Prince. 'In that case Buddha Sawmy must be raised to the station from which he has been unjustly excluded.'[4]

The Governor concluded by asking the General to

[1] C.O. 54, 10, vol. i.
[2] *Ibid.* North to MacDowall, February 2, 1803.
[3] *Ibid.* [4] *Ibid.* North to MacDowall, February 2.

proceed with the greatest caution, 'throwing the appearance, at least, of all that may be done on the principal persons at Kandy'.[1]

It was armed with these rather unsoldierly instructions that Major-General Hay MacDowall, with the Colombo division of his army, crossed the Kelani-ganga at daybreak on February 2, 1803, and began the march towards Kandy.

The history of this campaign, which was stigmatised by Wellington as 'disgraceful folly,'[2] is given, more or less briefly, by several contemporary writers. Best known of these is the Reverend James Cordiner, whom most later historians have followed.[3] Other authorities upon Ceylon and the Sinhalese, who refer to the matter, are Dr. J. Davy,[4] Lord Valentia,[5] Captain Percival,[6] and Captain de Bussche.[7] The fullest and most impartial account, taking into consideration the material then available, is that of Dr. H. Marshall,[8] whilst reference to the expedition, based mainly on the earlier writers, is to be found in the works of Major Forbes,[9] Sir J. E. Tennent,[10] W. Knighton,[11] and G. Pridham.[12] Mr. Fortescue has devoted a chapter in his monumental *History of the British Army* to what he rightly describes as 'a forgotten little war'.[13]

Further sources of information have become available, however, since the publication of the foregoing works, which throw new light upon the events in question.

[1] C.O. 54, vol. i. 10. North to MacDowall, February 2.
[2] W.O. Wellington Despatches (ii. 143, 165).
[3] *A Description of Ceylon*, Rev. Jas. Cordiner, 2 vols. London, 1807.
[4] *Account of the Interior of Ceylon*, J. Davy, 1 vol. 1821.
[5] *Voyages to India and Ceylon*, Lord Valentia, 3 vols. 1809.
[6] *Account of the Island of Ceylon*, Capt. R. Percival, 1 vol. 1803.
[7] *Letters on Ceylon*, Capt. de Bussche. 1826.
[8] *Description and Conquest of Ceylon*, Dr. H. Marshall, 1840.
[9] *Eleven Years in Ceylon*, Major Forbes, 2 vols. 1840.
[10] *Ceylon*, Sir J. E. Tennent, 2 vols. 1859.
[11] W. Knighton, *History of Ceylon*, 1 vol. 1845.
[12] *Ceylon*, C. Pridham, vol. i. 1849.
[13] *History of the British Army*, Hon. J. Fortescue, vol. v. chap. v.

This is the excuse for the present paper, and for the following account of the disastrous campaign, which is mainly based upon these documents.

General MacDowall's army for the invasion of the Kandyan Provinces was divided into two forces, one of which, under his own personal command, started, as we have seen, from Colombo, on February 2. It consisted of the 51st Regiment of Foot (625 strong), two companies of the 19th Regiment, the Second Ceylon Regiment, or Ramsay's Regiment (1000 men), which consisted chiefly of Tamils from the coast of India, one company of Malays, and two weak batteries of Bengal Artillery, together with a corps of pioneers. The whole division amounted to 1900 men.

The second force, under Lieut.-Colonel Barbut, set out from Trincomalee on February 4, and comprised one battery of Madras Artillery, five companies of the 19th Regiment, the greater part of the Malay Regiment,[1] and a certain number of lascars and pioneers, this force amounting to 1344 officers, N.C.O.'s and men, according to Lieut. Anderson of the 19th Regiment who accompanied it.

The expedition set out in a spirit rather characteristically British. As Marshall says, 'It was more like a pleasure party on a large scale than an invading army'.[2]

Yet neither MacDowall nor North had any reason to expect an easy task. The difficulties and disasters of the Portuguese and Dutch before them should have warned the British that they were opposed by a fierce and subtle race, who, moreover, were fighting in defence of their country and their independence as a nation. Events scarcely justify the description of the Kandyans by a modern historian as a 'miserable enemy'.[3]

As early as June 1802, North had been warned by

[1] The Malay Regiment, or First Ceylon Regiment, otherwise called Champagne's Regiment, after its first commanding officer.

[2] Marshall, *Description and Conquest of Ceylon*, p. 85.

[3] Fortescue, *History of the British Army*, vol. v. chap. v.

Lieut. Maurice O'Connell, of the 51st Regiment of Foot, stationed at Puttalam, north of Colombo, that throughout the Kandyan territories 'every person was actively engaged in preparing for hostile or defensive war'.[1] O'Connell said, moreover, that the frontiers were lined with well-armed troops, and that, from all the roads the Kandyans had cut narrow paths to right and left through the jungle so that they might easily outflank an invading army. He had heard *confidently* of several divisions, each eight or nine thousand strong, and he describes the Kandyan country as divided into eight circles (or Kóralés) distinguished by numbers; Eight being the central, and Seven and Six the places where the principal Kandyan forces were concentrated, and from whence orders constantly passed to the outer circles.[2]

Lewis Gibson, Agent of Revenue[3] at Galle and Matara, in the extreme south of the island, sent similar information from his district on the Kandyan borders in January 1803,[4] and finally, at the beginning of February, a letter was received from a reliable native source, which practically foreshadows the disaster to the British force, as it actually occurred.

The writer says that his son, Don Abraham Appuhami, has made inquiries and finds that there are masked batteries at Girihágama,[5] etc., and that 'there are issued orders to the inhabitants to collect arms. Besides this, it is said that after the (English) troops shall go to Kandy, the Adikar, who is now in Saffragam, will come to the Kóralés to collect the people, and will surround the English Army.'[6]

[1] Lieut. O'Connell to Robert Arbuthnot, June, 1802, C.O. 54, vol. i. 10.

[2] C.O. 54, 10, vol. i. O'Connell to Arbuthnot, June 23.

[3] The official title of 'Agent of Revenue' has since become 'Government Agent'.

[4] C.O. 54, 10, vol. i. Lewis Gibson to Arbuthnot, January 1803.

[5] A fort in a strong position upon the road from Colombo to Kandy.

[6] Ranamuka Dassanayaka Wikramasiṅha Mohandiram of Yatigaha Pattu of the Hapitigam Kórale to the Maha Mudaliyar of Colombo. February 1, 1803. C.O. 54, 10, vol. i.

Until they crossed the Maha Oye at Giriulla into Kandyan territory on February 10, the march of the Colombo contingent was comparatively easy. After that date it was beset with difficulties, but even MacDowall's first despatch, although written earlier, is distinctly pessimistic in tone. He had heard of extensive war-like preparations amongst the Kandyans, and of a gathering in force at Ellaboda under Pilima Talawuwé. He believed that they planned, after the English army had gained the tableland, to hold the passes in the rear and prevent them from returning.[1] Whilst MacDowall did not doubt that he would reach the capital, he proved how ill-digested was the whole plan of campaign by asking, at this juncture, whether the army was to remain at Kandy during the rainy season or to fall back immediately.[2]

The General pointed out that North and the Council knew his troops to be only sufficient for a 'rapid and transitory campaign,' especially as no supplies could be sent up after the rains set in. Indeed he says definitely that unless it is possible to forward two months' provisions for four or five thousand persons before the end of March, he would be obliged 'from absolute want to quit Candi a few days after having conquered it'.[3]

MacDowall recalled to North's memory the sinister example of the Dutch Commandant Frankena, who, with his army, was surrounded and massacred by the Kandyans in 1764, and he ended by speaking quite plainly of the contemplated conquest, at which North had only vaguely hinted, saying that, 'A second and far stronger campaign than this might be necessary to enter the King's dominions and entirely conquer them'.[4]

Such things must only be whispered, and North hastened to correct the over-candid soldier—with reservations.

[1] C.O. 54, 10, vol. i. MacDowall to North from the Camp at Kotadeniya. February 5-6, 1803.

[2] *Ibid.* [3] *Ibid.* [4] *Ibid.*

'Had I ever conceived the unjust and impolitic idea of making a permanent conquest of Kandy,' he wrote. 'It would require a second and even a third campaign with all the troops and men of which you suggest the necessity.'[1]

The Governor was convinced that, if the King fled, the election of Muttusámí would be a panacea to prevent any of the mischiefs which MacDowall dreaded, and he saw no reason to 'entertain apprehension concerning the situation in point of provisions'.[2]

From the first the transport arrangements were a failure, partly owing to the unfortunate death from fever of the capable and energetic deputy-paymaster-general, Gavin Hamilton, who literally killed himself with overwork in the interests of the army. There were no commissariat bullocks available, and in consequence all the baggage had to be carried on men's shoulders, and the rate of march was often reduced to six miles a day. At Dambadeniya supplies failed entirely, and the force was held up for four days.

It was not the policy of the Kandyans to offer any serious military resistance, but rather to draw the invaders on into the heart of the country. The expedition reached the forts of Galagedara and Girihágama, only eleven or twelve miles from Kandy, practically unopposed. These two positions were stormed and carried by Lieut.-Col. Logan of the 51st Regiment, and only two English soldiers were wounded in the actual assault.[3] But the strain upon the men was terrible, owing to the extreme heat and the steepness of the approach, which they were forced to ascend rapidly. Many succumbed to the effects almost immediately: most of the others were weakened and rendered more susceptible to the fever.

The two columns met on February 21, outside Kandy, at the Katugastota Ferry over the Mahaweli-ganga.

[1] C.O. 54, 10, vol. i. North to MacDowall, February 1803. [2] *Ibid.*
[3] *Ibid.* MacDowall to North, February 19, 1803.

Barbut and his force had encountered even less resistance than MacDowall, and his march had been easier.[1] He had accomplished the 142 miles from Trincomalee in sixteen days, whilst the Colombo contingent had taken twenty days on the march of 103 miles.[2] An account of this journey is to be found in the *Diary* of Lieut. T. A. Anderson of the 19th Regiment, who was one of Barbut's officers. This journal, together with some very illuminative letters to which reference will be made later, was printed as an Appendix to a few copies of Lieut. Anderson's *Poems written chiefly in India.*[3]

Barbut, like MacDowall, was apprehensive, and wrote to suggest that Muttusámí be proclaimed at once, in the hope of thereby securing provisions from his expected adherents: 'knowing how ill-supplied General MacDowall is, and how critically things are circumstanced here'.[4]

On February 22 the united columns marched into Kandy, and found the town, like a second Moscow, entirely deserted, the magazines blown up, the storehouses pillaged, and, as MacDowall reports, 'the Palace and several of the Boodoo Temples in flames. I have placed a strong guard over the Palace to extinguish the fire, and preserve such articles as have not been consumed or carried away'.[5]

Incidentally Lieut. Anderson, in his *Journal* gives some curious particulars regarding these 'articles'. He says that everything of value had been taken away, but that there remained rooms full of antiquated weapons, immense brass lamps 'shaped like elephants, etc.,' and that other apartments contained 'Dutch paintings and

[1] C.O. 54, 10, vol. i. Barbut to Arbuthnot, February 18.

[2] Cordiner, *Description of Ceylon.*

[3] This little volume was published by the Philanthropic Society, St. George's Fields, in 1809. It is somewhat rare, and moreover, the Appendix in question is rarer still, since it is only known to exist in one copy, which was presented by Mr. J. P. Lewis, C.M.G., to the Colombo Museum. This copy is probably unique: the one in the British Museum does not contain the Appendix.

[4] C.O. 54, 10, vol. i. Barbut to Arbuthnot, February 12, 1803.

[5] *Ibid.* MacDowall to North, February 24, 1803.

mirrors, chandeliers hung with lustres, and Dutch glass-ware in cases, which had never been opened'.[1]

MacDowall had established the 19th Regiment in the First Adikar's house, and the 51st in that of the Second Adikar. On the following day he proposed to send Colonel Barbut, with the Malay Regiment and two three-pounders, to bring Prince Muttusámí from Minnerí to Kandy, that he might be proclaimed King. 'No person has yet appeared on behalf of the fugitive King or his Ministers. I can obtain no certain intelligence'.[2]

The mystery of North's rather over-sudden conviction of the rightfulness of the Pretender's claim is explained by a perusal of the Conventions to which Muttusámí was expected to subscribe.

He was to cede to the British entirely the two most fertile provinces in the kingdom, those of the Seven Kóralés and Saffragam, together with a strip of territory directly through his own dominions. Each and all of the other articles of this proposed treaty served to subordinate him the more completely to Great Britain.[3]

Even Muttusámí, puppet as he was, refused to submit, and North was obliged considerably to mitigate his claims before the Prince signed the Convention with these words: 'I may compare myself to a child of six months old, Colonel Barbut, my mother: General MacDowall, my father: his Excellency the Governor, the person through whom I live and breathe: and the King of Great Britain, the same as my God. To him I never can be false or disloyal.'[4]

After all, it was wasted time. Muttusámí was crowned at Kandy on March 23,[5] but, as North tells Lord Hobart ruefully, after remaining nearly a month in the capital, scarcely one adherent had appeared to pay homage to

[1] Lieut. T. Anderson, *Journal of the Trincomalee Detachment.*
[2] C.O. 54, 10, vol. i. MacDowall to North, February 24.
[3] *Ibid.* [4] *Ibid.*
[5] *Ibid.* March 23.

the new King.[1] The Governor wrote to MacDowall at the end of March that 'instead of assistance, his alliance has hitherto afforded us nothing but inconvenience and unpopularity'.[2]

Muttusámí was a failure, and, as such, the rightfulness of his claims was conveniently forgotten. North tells Lord Hobart that he is again preparing to enter into negotiations with the First Adikar, as he would be 'not averse to a peace which would leave him in supreme authority at Kandy,' and which would also 'establish British power independently of any King'.[3]

The reason for this haste was the immediate prospect of a rupture with France. North wrote privately to MacDowall that the grave news received from Madras made it necessary to conclude peace with the Court of Kandy at once, even on less favourable terms than had been forced from Muttusámí. He also instructed the General to order back the Trincomalee troops, 'except such part of them as are intended for the garrison of Kandy'.[4]

In his letter to Lord Hobart of April 14, North spoke for the first time of that unseen foe, which, defending the Kandyan fastnesses like the very spirit of the jungle, was to prove one of the strongest factors in the disaster which followed.

'A much more formidable enemy than the Kandyans,' he writes, 'is the endemical fever, which has this year raged with unusual violence. The loss has been dreadful, particularly in the 51st Regiment, which had not, like the 19th and Malay Regiments, been prepared for the climate of Kandy by a long stay at Trincomalee.'[5]

This fever was by no means of the ordinary malarial type. According to the medical report for 1803, it

[1] C.O. 54, 10, vol. i. North to Hobart, April 14.
[2] *Ibid.* North to MacDowall, March 18.
[3] *Ibid.* North to Hobart, April 14.
[4] *Ibid.* North to MacDowall, March 25.
[5] *Ibid.* North to Hobart, April 14.

resembled in its symptoms the yellow fever of the West Indies, and in general baffled the skill of physicians and resisted the power of medicine, although sea-air was sometimes efficacious. The symptoms were excessive depression of spirits and strength, restlessness, anxiety, and oppression.[1]

The outbreak of 1803 was much more violent and widely spread than had ever been known before. The whole Kandyan court, except the King himself, had also suffered from the epidemic.[2]

Urged on by North, and by the ravages of the fever amongst his little army, MacDowall had a conference with the Second Adikar on March 28. The Minister was evasive, but inferred that it would be well for the English to support neither King, but to set up a new Government, with the First Adikar at its head. It is fairly evident that, although MacDowall considered he had been very diplomatic, the Kandyan succeeded in hoodwinking the Englishman as regards the main issue. The General concluded a treaty, and agreed to the immediate cessation of hostilities, yet he told North, 'I have discovered that, altho' the First Adikar appeared to be the friend of the English, he was in fact our determined enemy, and had used all his arts and influence to thwart our designs'.[3]

Such trustfulness in a known and proved traitor to both sides is almost unbelievable, but it led the Commander-in-Chief to return to Colombo on April 1, taking with him the greater part of the army, and leaving Barbut in command at Kandy.[4]

The garrison now consisted of 700 Malays and 300 Europeans of the 19th Regiment, together with some few of the East India Company's artillery.[5] In writing to

[1] *Medical Report on the Establishment of Ceylon*, 1803.
[2] C.O. 54, 10, vol. i. North to Hobart, May 17.
[3] *Ibid.* MacDowall to North, February 15.
[4] *Ibid.* North to Hobart, April 14.
[5] Cordiner, *Description of Ceylon*, vol. ii. p. 197.

the Governor three weeks before, MacDowall had said that he was endeavouring to put Kandy in a state of defence, but that a garrison of at least 500 Europeans, all the artillery, and 500 Malays and Sepoys ought to be left to hold the capital, through the rainy season, after removing 'all sick, convalescent, and useless mouths'.[1] He told North that the Kandyans became every day bolder, and the jungle fever seemed to be making a general round, through every European and native. He concluded by praising most warmly Barbut's 'experience, penetration, and astonishing fertility in resource,' and added: 'If Kandy can be defended, you may firmly rely he will maintain it to the last extremity'.[2]

But could Kandy be defended? One of the most impartial historians of this event writes: 'When General MacDowall left Kandy, with the bulk of the troops, the small garrison was doomed to destruction'.[3] 'Our whole army being ill,' Major Beaver, who himself fought in this war, affirms, 'The safety of the garrison of the capital depended upon the honour and good faith of the Adikar.'[4]

More impressive still is the testimony contained in those unstudied letters from officers of the Kandy garrison which have hitherto scarcely been rescued from oblivion by their inclusion in the appendix of a few copies of Anderson's forgotten poems.

Lieutenant Anderson had left Kandy upon March 20, and returned to Trincomalee. Here, during the next three months, he received many letters from his brother-officers, which give a most vivid picture of the terrible state of the garrison. An officer of the 19th writes on April 12: 'The men, I am sorry to say, are getting very unhealthy, of fevers and that damned disease, the berry-berry'. Dated May 1 is another letter from the same,

[1] C.O. 54, 10, vol. i. MacDowall to North, March 9.
[2] *Ibid.* [3] Marshall, *Conquest of Ceylon*, p. 90.
[4] *United Service Journal*, 1829, Part ii.

in which he speaks despondently of the gloomy manner in which the days passed, and prophesies that 'if they keep us much longer in this hole, you will see very few of those fine fellows you left behind return'. Colonel Barbut did everything in his power, but the mortality and sickness increased every day.[1]

Barbut's report three weeks after he took command was perhaps rather more cheerful than might have been expected, but plainly stated that he could count on no help from the European soldiers, although he considered that the Malay Regiment, with the artillery, was adequate to defend Kandy. He said that there were nine weeks' provisions in the town, and that he would have sufficient for six months, *when* the expected supplies came from Colombo or Trincomalee.[2]

After the massacre, North tried to justify himself to Lord Hobart by referring to this letter.[3] He did not take into consideration the fact that the supplies expected by Barbut never arrived at Kandy, and that, moreover, the Colonel did not reckon upon the appalling spread of the fever, nor upon the disaffection amongst the Malay troops.

A modern historian speaks of these Malays as 'entirely untrustworthy and dangerous'.[4] As we shall see, this is far too sweeping an estimate, and, moreover, it is wisdom after the event. North, MacDowall, Barbut, and others had great confidence, and with reason, in these native troops.

Captain Percival, writing in 1805, describes them as 'fine and obedient soldiers'.[5] And in December of the year 1801, a few months after these regiments had been formed, North gave Lord Hobart a glowing account of the proved gallantry of the Malays in war 'on the Continent,'

[1] Anderson, *Poems written chiefly in India.* Appendix.
[2] C.O. 54, 10, vol. i. Barbut to Arbuthnot, April 22.
[3] *Ibid.* North to Hobart, July, 1803.
[4] Fortescue, *History of the British Army*, vol. v. chap. v.
[5] Capt. Percival, *Account of Ceylon*, 1805.

their splendid relations with the British troops, as well as 'their discipline, regularity, and peaceable behaviour'.[1]

Two and a half years later the Governor wrote again, saying that had he not increased the native infantry, they would have now been reduced to the 'disgraceful and disadvantageous state of a defensive war'.[2]

About April 15, North received a letter from the First Adikar requesting an interview, to conclude a definitive treaty.[3] The Governor, eager to do so, but reluctant to show his anxiety, answered that he was about to make a tour through the Seven Kóralés, accompanied by Mr. Secretary Arbuthnot, and M. Jonville, the interpreter, and would meet the two Adikars at Dambadeniya just within the Kandyan territory, on April 28.[4]

The interview took place on May 3, and North described it in a letter to Lord Hobart on the following day.[5] The verbatim notes of the conversation read curiously. One can almost hear the Kandyan laughing in his sleeve at North's boast that 'the English had been forced to make war, and had made it successfully'.[6]

For that Pilima Talawuwé was even then plotting mischief is quite certain. MacDowall had accompanied North, and Barbut joined them from Kandy with part of the Malay Regiment, very fortunately for the Governor, as it happened. It is said, on good authority, that Barbut discovered at Dambadeniya a plot against North's life, planned by the Kandyans, and that only the presence of himself and the soldiers prevented them from carrying out this murderous intention.[7]

However, the First Adikar, in appearance, agreed to everything, and a Convention was made on the lines of that concluded by MacDowall on March 28. The First Adikar was to be invested with supreme authority at

[1] W.O. 1, 363, Ceylon. North to Hobart, December 19, 1801.
[2] C.O. 54, 10, vol. i. North to Hobart, April 20, 1803.
[3] *Ibid.* North to Hobart, April 19, 1803
[4] Cordiner, ii. 201.
[5] C.O. 54, 10, vol. i. North to Hobart, May 4.
[6] *Ibid.*
[7] J. P. Lewis, C.M.G., *Tombstones and Monuments in Ceylon*, p. 83.

Kandy, paying tribute to Muttusámí, who would reign at Jaffnapatam, whilst the British obtained their two coveted provinces, and the road through the Kandyan dominions, together with the person of the fugitive King, when captured. The immediate cessation of hostilities was confirmed, and Colonel Barbut undertook to obtain Muttusámí's signature to the treaty. But that other grim enemy intervened. Next day Barbut was attacked by the fever, and on May 8 North took the sick man back to Colombo, where he died on May 21.

On May 17, North informed Lord Hobart that, in consequence of Colonel Barbut's illness, General MacDowall had returned to Kandy as Commissioner-Plenipotentiary to supervise the execution of the Dambadeniya Convention, and to carry Muttusámí 'the present of a watch, and an apparatus for eating betel'.[1]

The General left Colombo on May 16 and arrived at Kandy on the 23rd. As one of Lieutenant Anderson's correspondents remarks, rather naïvely, 'He seemed extremely vexed at our unhealthiness. He ordered all convalescent sick to get ready to go to Trincomalee, but dreadful to relate, when they came to be mustered, only 23 men in all were able to march.'[2]

The fever, indeed, was increasing to an appalling extent. Writing to Anderson on May 31, Lieutenant Brown, Quartermaster of the 19th Regiment and Paymaster to the Kandy garrison, told Anderson on May 28, that not one man of the 19th was able to mount guard, and that the fever seemed just as fatal to the natives themselves. He added that the General was daily expecting a visit from the Adikars, 'but, for what reason Heaven knows, they have not yet made their appearance. I have no faith in them, knowing them to be deceitful, intriguing rascals.'[3]

[1] C.O. 54, 10, vol. i. North to Hobart, May 17.
[2] Lieut. T. A. Anderson, *Poems written in India*. Appendix.
[3] *Ibid.*

On May 31 Brown wrote that there was still no news of the Adikars, and he reported the death or mortal sickness of many more officers and men, and said that rain had been falling day and night for ten days past, 'so violent that all the rafts on the river were carried away'.[1]

The monsoon had set in early with extreme violence. Another letter, from Lieutenant Ormsby of the 51st Regiment, who was commissary of provisions at Kandy, informed Anderson that communication with Colombo had lately been entirely 'cut off, owing to the heavy rains'.[2] On this date, June 11, there was not a man of the 19th able to do duty, and the 51st were in little better case, whilst most of the officers were down with fever, including Major Davie, of the Malay Regiment, who had become Commandant of the garrison on the departure of Barbut.

There is one paragraph in this letter which throws a tragic light upon the events which followed.

'God only knows what will become of us here, for if we were ordered to evacuate the place, there is scarce a single European that could walk a mile, and there are neither coolies nor doolies. If we were to be attacked, we have only three artillerymen fit for duty.'[3]

Pilima Talawuwé still delayed the promised interview, merely writing to General MacDowall that he could not wait upon him without the permission of the King. MacDowall himself and his aide-de-camp were attacked by the fever, but lingered at Kandy until June 11. On this day, since there seemed no hope of a meeting with the Adikar, the General, who was extremely ill, determined to return to Colombo, with the intention of urging North to adopt adequate means, either to reinforce Kandy with men and provisions, or to evacuate the place at once. He did not reach Colombo until June 19, just when the curtain was rising at Kandy upon the last scene

[1] Lieut. T. A. Anderson, *Poems written in India*. Appendix.
[2] *Ibid.* [3] *Ibid.*

of the tragedy. As has happened so often, before and since, in the history of our Empire, the need for help was only realised too late.

Anderson received two more letters from Kandy after the departure of MacDowall. The first, dated June 14, was from Lieutenant Blakeney, of the 19th Regiment, who had only arrived on the 4th from Trincomalee. This young Irishman, cheerful and optimistic as parts of his letter prove him to have been, wrote very seriously of the conditions. 'I need not attempt to picture to you the dreadful state of affairs here. Sickness and starvation, together with the treachery of the Adikars, and the desertion of the Malays and Lascars. Combine these things with the General's sickness and departure, and I fear not a man now here will ever leave it'.[1]

The other letter, written on June 17, is described by Anderson as probably the last ever written from Kandy. It was from Major Davie, the new Commandant, the man upon whom fell most of the blame and the heaviest punishment for the disaster which followed.

Major Adam Davie was Scotch by birth, and in 1787 had obtained his first commission in the 75th or Stirlingshire Regiment, now the second Battalion of the Gordon Highlanders. In this corps he rose to captain's rank in 1793: up to that date, he had been employed as recruiting officer in Edinburgh and did not join his regiment in India until 1794. In 1799 Davie returned to Scotland, and in 1801 he was gazetted as Major in Champagné's Infantry, a regiment of Malays which had been newly recruited in Ceylon. Davie's request for a passage to Ceylon, by the East Indiaman 'Manchip', with his servant, 'a native of that island,' is dated July 9, 1801.[2]

The new Commandant at Kandy had seen no active service, at home or abroad, and had no practical experience of hostile operations. Moreover, he was new to his

[1] Lieut. T. A. Anderson, *Poems written in India.* Appendix
[2] Ceylon, 1801. W.O. 1, 363, Miscellanies.

regiment and to Ceylon, whilst Colonel Barbut had served for a very long period in the island, and was both skilful and experienced in handling the natives. It was a fate very cruel to Davie which forced him into his terribly responsible position, although Marshall considers that 'no commander, however talented, could have averted the event which followed'.[1]

That Davie felt his responsibility almost overwhelming is proved by the despondent tone of his letter to Anderson. He told of the death of many more officers and men, of the daily desertion of the Malays and Lascars 'by dozens'. He described how, in spite of the so-called truce, the Kandyans were pressing in upon the garrison, setting up batteries close at hand, carrying off bullocks and provisions and even 'the small mortars from the park on the parade'.[2] High rewards had been offered to the Malays to murder their officers, and he was very doubtful whether General MacDowall and the aide-de-camp reached Colombo in safety. He apologised for the 'scrawl,' saying that he had already written nineteen letters that day, and was far from well, and ended bitterly: 'A hopeful situation truly, and a pretty time to succeed to such a command!'

For knowledge of what happened at Kandy after this date historians have been forced to depend upon fragmentary and often conflicting evidence, since few witnesses escaped the massacre. Corporal Barnsley, of the 19th Regiment, the only British survivor, was an uneducated man, and can have had no opportunity of knowing the minds of his officers.

It is upon the depositions of two native witnesses, the Lascoreyn, Milihanagé Johannes and Mohamed Gani, a free Malay and servant to Ensign Robert Barry, of the Malay Regiment, that North based the despatch which

[1] Marshall, *Description and Conquest of Ceylon*, p. 90.
[2] Anderson, *Poems written in India.* Appendix.

carried the first news of the massacre to England.[1] On these two accounts and that of Barnsley, which was received somewhat later, was afterwards founded the best-known history of the transactions, that of the Reverend J. Cordiner, although, rather unfortunately, he rarely gives chapter and verse for his authority. Barnsley's deposition was made first on June 27 at Fort MacDowall, whither he escaped, before Captain Madge, the Commandant: later, at Trincomalee, he dictated a fuller 'Narrative' to Bombardier Alexander, who published it in his *Autobiography*.[2]

Cordiner's history is undeniably coloured by the fact that he was an intimate personal friend of the Governor. Not unnaturally, perhaps, he acts as North's mouthpiece, and his narrative gives the same impression as North's despatches, namely, that the disaster was owing to a series of deplorable mistakes—to give them no harder name—on the part of Major Davie, who surrendered Kandy and afterwards the entire force under his command with small resistance and slight reason.

An attempt was made to combat this impression in the House of Commons on March 14, 1804, when a certain Mr. Creevey moved that papers relative to Ceylon and the war with Kandy be laid before the House.[3]

In an eloquent speech, he reviewed the situation and strongly criticised the action of Government throughout, blaming them especially for attempting through the despatches published in the *London Gazette* 'to account for the final disaster of this war, which rests entirely on the Governor, by insinuations the most fatal to the honour and character of a British officer'.

Lord Castlereagh, who was at that time Minister for War, whilst allowing the justice of an inquiry, considered

[1] C.O. 54, 11, vol. ii. North to Hobart, July 8, 1803.

[2] Bombardier Alexander, *Life*, written by himself and edited by J. Howell, 2 vols. Blackwood, 1830.

[3] *Courier and Evening Gazette*, Thursday, March 15, 1804.

it undesirable, unless 'the information required was of a nature which could be disclosed by the Government without material inconvenience'. Otherwise 'it would not be wise or prudent to reveal anything which might be employed by the enemy'.[1]

Although in the heated debate which followed, Mr. Creevey's motion was supported by Fox and others, a division resulted in a victory for Castlereagh and the Government of 70 votes to 47.

Since this attempt to secure an inquiry failed, it is only natural that the Cordiner-North narrative should have been accepted and followed by most succeeding authorities. Marshall, it is true, does not agree with Cordiner's conclusions, although he avails himself of the same material, with the valuable addition of the notes taken by Mr. Simon Sawers, of the Ceylon Civil Service, a Commissioner at Kandy from 1819-27, which give the native view of the transactions.[2]

Marshall, moreover, made use of the deposition of one Jan Egbertus Thoen, a Dutch artilleryman, who belonged to the Kandy garrison, and who escaped the massacre. His account is published in full by Lieut. Anderson, as an appendix to his work *The Wanderer in Ceylon*.[3]

This Dutchman, however, could not speak as an eyewitness of the events of the surrender, and the retreat to Watapuluwa, since all this time he was in hospital, and amongst those left behind when the garrison evacuated Kandy.

There is one detailed account of the whole tragical business which has certainly never been published, and rarely, if ever, even quoted from to any useful extent. It is to be found in the Colonial Office Records, a small

[1] The enemy here referred to is, of course, not the Kandyans but France, of whose designs in the East we were, at this time, very suspicious.

[2] MS. Notes, Mr. Simon Sawers. From deposition of Mullegama Disawa, whose information was confirmed by the family of Milawa, Disawa of Wellassa

[3] Anderson, *Wanderer in Ceylon*. Appendix.

and insignificant-looking manuscript, amongst a number of absolutely unconnected papers, and it is annotated in red ink by some official in the Government service. This witness did not reach Colombo until May 1804, as he had been held a prisoner by the Kandyans. The affair had then more or less blown over, and it was not likely that North would be very anxious to revive interest in it. Plainly it had been decided to make Davie the scapegoat for many administrative and Governmental errors: that being the case, it would be unwise to publish a narrative which puts a distinctly different complexion upon many incidents.

The deposition is dated May 11, 1804.[1] The deponent was a Dutch Assistant-Surgeon named Greeving.[2] He was serving in this capacity with the Malay Regiment, and obviously his professional position would give him far better opportunities than native servants and private soldiers to watch the course of events, just as his education would qualify him the better to set them down. His whole narrative, with its abundance of apparently insignificant detail, has an air of truth, in spite of obvious, but quite explicable errors. The account, which is in the form of a diary, begins upon June 19, 1803, and supplements very vividly the description given in the letters of Quartermaster Brown and others of the terrible straits to which the British force in Kandy was reduced, by sickness and the desertion of the Malays.

Each day Greeving reports that more Malays deserted,

[1] C.O. 54, vol. iii. 12.

[2] Mis-spelt 'Gavin' in one of the native depositions. The officers present in Kandy at the time of the surrender were as follows:—

*Malay Regiment*—Major Adam Davie, Captain Rumley, Lieutenant Mercer, Ensigns Barry, Goupil, and Fanthome, Assistant-Surgeon Greeving.

*19th Regiment*—Lieutenants Blakeney, Plenderleath, Byne, Maclaine, Ensign Smith, Quartermaster Brown, and Assistant-Surgeon Hope.

*51st Regiment*—Lieutenant Ormsby and Sergeant Stuart (with the rank of Ensign).

*East India Company's Troops*—Captaim Humphreys and Assistant-Surgeon Hollaway of the Bengal Artillery.

each day the Kandyans pressed in more closely upon the garrison, and each entry ends, with dreary iteration: 'It rained very heavy all this day'.

Major Davie received frequent communications from Pilima Talawuwé. On June 21 came a 'submissive application for 600 military men: that he, the Adikar, would then deliver up the King'. On the 23rd Pilima Talawuwé announced that he himself was put under arrest: 'he expected now no other assistance but that of Major Davie'. The Adikar also warned Davie in this 'ola' or letter that the Kandyans were preparing for an assault.

The Major made what defensive preparations were possible, with his desperately enfeebled force. At three o'clock in the morning of June 24 the Kandyans seized an outpost, and advanced upon the Palace itself about two hours later, in forces which Greeving estimates at about 20,000, under the command of a 'tall, fat Malay Prince'.[1] Quartermaster Brown was killed in single combat with this leader, who immediately afterwards was cut down by Fort-Adjutant Barry and Major Davie.[2] Captain Humphreys of the Bengal Artillery dispersed the assailants for the moment by a discharge of grape-shot, but the odds were overwhelming, and after fighting desperately until three o'clock in the afternoon, Lieutenants Mercer and Barry and Ensigns Fanthome and Goupil of the Malay Regiment came to Major Davie and begged him to capitulate. Davie refused, but they then threw down their swords 'saying they were not able to stand it an hour longer,' and that within that space of time the enemy would have forced a way into the battery. The Major then seized a pistol and tried to shoot himself, saying that he would rather die than surrender.

[1] Sangunglo.

[2] According to Barnsley, it was Lieut. Blakeney of the 19th who *first* died in single combat with the Malay leader. However, Greeving is borne out by the annotator of his Manuscript who adds in parenthesis: 'Lieut. Blakeney was twice wounded in the attack, but lived till the other Europeans were killed, and was then murdered'.

He was with difficulty disarmed and at last agreed to parley, although Greeving himself and Nouradeen, the native captain of the Malay Regiment, protested vehemently against trusting the Kandyans.[1]

Greeving's account of this incident differs materially from the others, which show Davie as rather willing than averse to surrender.

Immediately the following terms of capitulation were arranged with the First Adikar in person. The Fort, with the guns and ammunition, was surrendered to the Kandyans: all the British, who could march, were at once to leave Kandy by the road to Trincomalee, taking with them Muttusámí: the Adikar undertook to provide and care for the wounded and sick men in the hospital (120 in all) until such time as they could be conveyed to Colombo or Trincomalee. Finally, Pilima Talawuwé insisted that the garrison should not take with them 'a single cartridge, nor a grain of gunpowder'.

This last extremely important clause is not given by any other historian of these events.

The force, consisting of 34 Europeans, 250 Malays, and 140 gun lascars, together with Muttusámí and his attendants, marched out in drenching rain at four o'clock in the afternoon, through a mob of about 10,000 Kandyans, who offered the British every possible insult and injury. Davie forbade any retaliation, and at seven o'clock they arrived on the banks of the Mahaweli Ganga at Watapuluwa, about three miles from Kandy. As it was absolutely impossible to cross, owing to the floods, and there were no boats or rafts, they camped for the night 'in the rain on a mountain near the river'.[2]

[1] Nouradeen, who was of the royal Kandyan blood, was a very brave and loyal man. Early in June he had received a letter, begging him to renounce his allegiance to the British, in which case the King would reward him richly. Nouradeen refused steadfastly, and did all he could to prevent desertion amongst the Malays.

[2] This 'mountain' is a green mound near the ferry. The bo-tree, of which the rotten trunk still surmounts it, is known as Davie's tree, and a tablet has been placed here.

Next morning four Mudaliyars (or head-men) came from the King, and demanded the surrender of Muttusámí and his servants. Major Davie refused, but some hours later a second messenger came on the same errand, insisting that no harm was intended towards the Pretender. Davie still refused, and, after an interval a third deputation appeared, threatening that, unless the Prince were given up, 50,000 men would be sent to take him by force. After consultation with the other officers, Davie came to the conclusion that he had no power to protect Muttusámí, and in spite of the Prince's impassioned protests, he most reluctantly surrendered him. Muttusámí and his servants were at once executed by the Kandyans.

That same afternoon one of the British soldiers, who had been left in the hospital, reached Watapuluwa with the ghastly news that all the sick and wounded in Kandy had been massacred. Close upon this intelligence came another threat from the King that 'all the troops should cross the river this day, or people would be sent to drive them over'.

It was absolutely impossible to cross the river, and the troops remained for another night upon the mound. At eight o'clock in the morning of June 26, a number of Kandyans which Greeving estimates at 60,000 or 70,000 advanced to within a hundred paces of the British force. The Disawas of Walapané and Oewa approached with 5000 men and separated the Europeans from the Malays, leaving the white men under the great bo-tree upon the mound. The Malays were then called upon to enter the Kandyan service, and those who refused were at once massacred.

Afterwards the European soldiers were led away, two by two, beginning with the officers, and, after being stripped of every article of value, were all beheaded, the first to die being Lieutenants Goupil and Fanthome of the Malay Regiment. Greeving then took Captain Humphreys of the Bengal Artillery by the arm and rolled

with him down from the mound into the hollow where they had thrown the murdered men, and here they lay concealed whilst the terrible work went on.

When only Major Davie and Captain Rumley of the Malay Regiment remained, the Kandyans were about to assassinate them also, but the First Adikar arrived at that moment with orders that they were to be carried alive to the King at Hangurankata.

Greeving describes in detail, and obviously as an eye-witness, the deaths of the European officers. Captain Nouradeen, the loyal native officer of the Malays, and his brother were taken to Kandy, and, on their refusing to renounce their allegiance to Great Britain, were most barbarously murdered.

Captain Humphreys and Greeving remained for four days in the hollow, hiding beneath fallen leaves and subsisting upon guavas and water. At last hunger drove them out, and they fell into the hands of the Disawa of Walapané. Humphreys either died or was executed shortly afterwards, but the Dutch doctor, although kept a prisoner, was allowed a certain amount of freedom and encouraged to practise his profession. He was starved, beaten, and otherwise ill-treated, and, after several abortive attempts, he at last managed to escape to Colombo, but not before he had witnessed a great warlike muster of the Kandyans in the Province of the Three Kóralés, where, he relates, that there were at least three forces of 40,000, 18,000, and 50,000 men respectively.

About a fortnight before Greeving escaped he learnt that Major Davie was very ill, and succeeded, with great difficulty, in being permitted to see him for half an hour. He found the unfortunate soldier apparently at the point of death: he said in French that he was departing this life, 'but was very content at it, Oh, God!'[1] Greeving describes the terrible condition of the unfortunate major, which he alleviated to the small extent of his power.

[1] C.O. 54, vol. iii. 12.

Next day he was told that Davie was dead, and, in consequence, he had no further inducement to stay in Kandy. After great hardships, he finally succeeded in reaching Colombo, and immediately set down this deposition.

The narrative, in spite of gaps and some obvious and quite easily explained errors, to a great extent co-ordinates and corrects the other conflicting accounts. The impression we obtain is probably the true one—that of a tiny force of Europeans, sick in mind and body, literally overwhelmed by numbers—'a whole Kingdom against three hundred men,' as Alexander wrote of Johnson's expedition in the following year, and in Davie's case the odds were even greater.[1]

Pridham considers that the Major 'must have been devoid of all energy and mental resources' since he did not formulate some plan of escape.[2] Probably physical weakness had indeed undermined his powers of concentrated thought, yet even more energetic handling of the situation might scarcely have bettered it.

Forbes thinks that, since the British were detained for two days at Watapuluwa, Davie should have abandoned his baggage, and tried to cut a way through by one of the other routes, by Gonnoruwa and Katugastota Ferries to Colombo, or by Lewelle Ferry to Batticaloa.

Yet the example of three such attempts, under similar circumstances, does not encourage us to believe that the experiment would have been successful.

In 1764 the Dutch Major Frankena, with 400 men or more, tried to cut his way from Kandy to Colombo. The force was surrounded at Sitavaka and perished to a man.

In June 1803 Captain Madge at Fort MacDowall heard of the fall of Kandy and determined to retreat upon Trincomalee, with sixteen Europeans and about a score of Malays. He was compelled to abandon his sick

[1] *Life of Bombardier Alexander*, vol. i. [2] Pridham, *Ceylon*, vol. i.

and wounded, who were massacred like those at Kandy, and was only saved from destruction with his little force by the arrival of 150 Malays from Trincomalee.

In 1804 Captain Johnston retreated from Kandy to Trincomalee with seventy-seven Europeans and a large force of natives, amply provided with rice and munitions and with no cases of fever. Out of the white men alone twenty-six were killed by the Kandyans during the retreat, and almost all the survivors afterwards died at Trincomalee of wounds and exhaustion.

Both Madge and Johnston were well supplied with provisions and ammunition, whilst Davie's food supply was extremely low, and, as Greeving tells us, the Adikar had insisted that every grain of gunpowder must be abandoned in Kandy.

The surrender of Muttusámí to what Davie quite well knew was almost certain death, is an act scarcely defensible, except on the score of overwhelming pressure. Williams, in his *Historian's History*, gives perhaps the only real excuse when he says: 'A determination to preserve the Prince at all hazards, even if it had been entertained by the officers, was little likely to have been acquiesced in by the men, consisting almost wholly of Malays, who saw in his surrender their only hope of safety'.[1]

The most obvious error in Greeving's narrative is his assumption of the death of Davie, which did not take place until many years later. Yet, at the time, the Dutchman had no reason to doubt the statement. It was only long afterwards that rumours reached Colombo proving that the Major was still a captive, and the contemporary annotator of Greeving's journal adds a few words giving further evidence of the supposed decease.

It is only very recently that some particulars of Davie's long captivity have come to light, by the dis-

[1] Williams, *Historian's History*, vol. xxii.

covery of the *Diary* of Sir John D'Oyly, who was Resident Principal Accredited Agent and First Commissioner of the British Government in the Kandyan Provinces from 1810-15. This extraordinarily interesting document was published last year 1917 by the Ceylon branch of the Royal Asiatic Society, with an introduction and notes by Mr. H. W. Codrington of the Ceylon Civil Service.

As soon as it was definitely known that Davie was still a prisoner, Sir Thomas Maitland and Major-General John Wilson, who filled the interregnum between Maitland and Sir R. Brownrigg as Lieutenant-Governor, began negotiations for his release. But the King of Kandy made exorbitant demands, asking as a ransom for this one life a seaport upon the coast of Ceylon, and terrible as it seems in view of his sufferings, both Maitland and Wilson acted perfectly rightly in refusing to consider such demands, or to provoke a fresh war by sending an expedition to release him. With the advent to Colombo of Sir John D'Oyly as Collector in 1806 a regular system of communication with Davie was established. This was carried on by D'Oyly by means of spies: letters were conveyed between him and the Collector hidden in lumps of jaggery or in quills, and he was furnished with supplies and money. Suggestions were made for his escape, but they never materialised: probably the unfortunate man had lost his initiative, ill as he undoubtedly was in body and mind.[1] That even up to the very end he *wished* to escape can scarcely be doubted by those who read the two piteous letters, written on scraps of native paper, which are preserved in the Colonial Office Archives, and which Mr. Fortescue printed in a note to his narrative of these occurrences.[2]

The date of his death is not absolutely certain, but it was probably, as the editor of D'Oyly's *Diary* thinks, in

[1] J. P. Lewis, *Tombstones and Monuments in Ceylon*, p. 430.
[2] Hon. J. Fortescue, *History of the British Army*, vol. v. chap. v.

*Medindina* or March of the year 1812. This agrees with De Bussche's statement in 1817 that Davie died in 1812, apparently from dropsy, in a house in Kumáruppé Wídiya and was buried on the south side of the lake at Kandy in a secluded valley.[1]

North's despatch, written on the same day that he received the first news of the massacre, is a piece of rather hysterical self-defence. He declared that he had already despatched reinforcements to Kandy, and that 'I had agreed to a proposal from the Second Adikar to evacuate the place, on condition that the evacuation should be unmolested'.[2]

These were, as a matter of fact, when all is said and done, the precise terms upon which Major Davie surrendered.

North's further statement that escape would have been easy, since the road to Colombo was 'entirely open' is contrary to all the known facts. Long before MacDowall left Kandy, as we have seen, his communications with the coast were interrupted, and a few days before the final assault upon the garrison, the two 'key-fortresses' of Girihagama and Gallegedera had been retaken by the Kandyans. The Governor ends on a note of self-satisfaction which, one cannot but feel, is somewhat unwarranted by the circumstances.

'What my feelings would have been on this occasion, had I neglected any opportunity to terminating the war, or of carrying it on with success, I certainly could not support them.'[3]

In this despatch North ascribed the disaster to the wholesale desertion of the Malay Regiment. Writing later, enclosing the native depositions, he has changed his opinion somewhat.

'It is satisfactory to me to state that the opinion

[1] *Diary of Sir John D'Oyly*, Index, p. xvi. *Letters from Ceylon*, De Bussche, 1817.

[2] C.O. 54, 11, vol. ii. North to Hobart, July 1. [3] *Ibid.*

formed of a spirit of disaffection in His Majesty's Malay Regiment is perfectly unfounded.'[1] As a matter of fact, one statement was just about as true as the other.

Totally regardless of the fact that the Kandyans had attacked the British garrison in overwhelming numbers, after surrounding the town, North persisted that, if the evacuation had 'been delayed for a fortnight, it might have taken place with Comfort, Ease, and Honour'.[2]

The Governor protested that Davie surely should have known that a corps of forty Europeans, *in good health* (*sic*) might cut their way through any number of Kandyans—again entirely and, one cannot but think, intentionally oblivious of the true facts of the case. He concluded, once more, on a note of rather misplaced complacency: 'I therefore hope that the effects of that horrible atrocity committed on our poor countrymen will be reduced to the loss of about one hundred invalids, and the necessity, but too imperious, of continuing the war with Kandy until that monster, the Adikar, shall have expiated his crimes'.[3]

In acknowledging this despatch, Hobart expressed the greatest disappointment at finding North 'unexpectedly engaged in a war, which has been attended with consequences of a most disastrous nature'.[4] He advised the arrival of reinforcements from 'the Continent,' and also the despatch of the 66th Regiment of foot from England, and recommends a 'vigorous new campaign'. North was instructed to enter into no negotiations with the First Adikar, to insist on the return of all prisoners, and —last but not least—to acquire territory, if possible, although this is not to be actually insisted upon at the expense of peace.

Rather sententiously Hobart concluded:—

'The discussion of the respective merits of these events at this time can be of no possible utility: the

[1] C.O. 54, 11, vol. ii. North to Hobart, July 8. [2] *Ibid.*
[3] *Ibid.* [4] C.O. 54, 13, vol. i. Hobart to North, March 29, 1804.

contemplation of them as applied prospectively may be of importance.'

It would have been as well if this contemplation could have been applied at the time, in spite of the Minister's dictum. During the long and dreary war which followed, which did not really end until 1818, many blunders and disasters might have been avoided had the lessons of the Kandyan campaign been earlier taken to heart.

# THE ESTABLISHMENT OF THE GREAT FARM OF THE ENGLISH CUSTOMS.

By A. P. NEWTON, D.Lit., F.R.Hist.S.

*Read May 9, 1918.*

The English customs duties under the early Stewarts, and the many vexed constitutional questions involved in connection with them, furnished some of the bitterest subjects of controversy at the time, both in and out of Parliament, and constitutional historians have devoted much attention to them. The questions that have been debated in this connection, however, have been mainly of one kind, and have related mainly to the constitutional powers of the Crown and the proper application of mediæval precedents under changed conditions. But there is an entirely different standpoint from which the customs can be approached, that of their administration as an essential part of the revenue-producing system, and comparatively little attention has been devoted to this aspect of the subject. It is important from a purely English point of view, but it is also specially interesting to the investigator of the English background for the early period of American colonisation, since customs duties played such an important part in fostering the growth of Virginia and of other newly established colonies.

The administrative history of England in the reigns of Elizabeth and James I is a continuous and unbroken one, and the Union of the Crowns of England and Scotland in 1603 is of much less importance in the administrative sphere than in that of political history. To understand

something of the customs administration in the later part of the period it is necessary to trace the main lines of its development in the earlier, and to start inquiry right away back in the beginning of the reign of Queen Mary, in the Treasurership of William Paulet, Marquis of Winchester, Lord Treasurer throughout that reign and far on into the reign of Elizabeth.

At Paulet's accession to office under Edward VI the old system of customs administration stood very much as it had done under Edward III and the early Lancastrian kings by whom it had been organised. The customs officials were the subordinates of the Lord Treasurer, and though the more important of them were appointed by letters patent, all the lesser offices were filled by the Lord Treasurer's warrant, and the collection of the duties was carried on under his directions and those of the Under Treasurer of the Exchequer. By far the larger portion of the dues was collected in the port of London, and the administrative machinery there was elaborate and busy. On the north-western coasts and in Wales no machinery for the collection of customs existed, but on the southern and south-western coasts from Kingston-on-Hull round to Bristol there were many outports, each having its own custom-house and officers. In each of these outports there was a customer paid a small annual fee which he was allowed to defalk from the produce of his collection, and a controller who was nominally supposed to act as an independent check upon the customer, but in practice acted as his subordinate. In practically every outport the customs were let in farm either to the customer or to the burgesses of the port for a certain rent, either paid into the Receipt of the Exchequer or more usually assigned to some definite purpose such as the Household, the Wardrobe, or the maintenance of the garrison at Berwick. Only two outports had more than the two officers: Bristol, which had not only a customer and controller, but also a searcher and four tide-waiters,

and Southampton, the principal port for the import of wines, which had a surveyor besides the customer and controller.[1]

The establishment in the port of London was much more complex and numbered twenty-seven persons receiving fees upon warrants. There were two customers, one for the petty customs inwards and one for the petty customs outwards, together with a controller of both in and out customs, a collector of subsidy inwards and a collector of subsidy outwards, together with a controller of both in and out subsidies, a surveyor of the customs and subsidies, the holder of the joint office of solicitor, surveyor and receiver of 12d. for every three kerseys in London and Southampton, a searcher who was paid wholly by fees received from the merchants, and eighteen tide-waiters, four for the petty customs inwards, three for the petty customs outwards, four for the subsidy inwards, and seven for the subsidy outwards. Certain of the principal officers were assisted by clerks and boatmen, but these were not carried upon the establishment.[2]

The accounts of all the ports were kept in the traditional form on parchment rolls and entirely in Latin, and they were subject to the full ancient process of audit before the Barons in the Upper Exchequer. The process was very slow and cumbrous, and under Henry VIII it had been abandoned in the case of other Crown revenues for simpler processes that kept a more efficient check. In the case of the customs accounts it was impossible to obtain a rapid clearing-up of the balances in the hands of accountants, reliable figures as to the ratio of the cost of collection to the amount collected, or even an exact estimate of the total revenue. When the accounts were finally passed in the Exchequer long after the period with which they dealt, they were handed over to the King's Remembrancer to be preserved among the records

[1] S.P. Dom. Edward VI, Additional, iv. No. 27. [2] *Ibid.*

in his department, and there considerable numbers of them still remain.

The comparative poverty of the Crown and the reduction in the value of money that was brought about by the influx of silver from the New World at the middle of the sixteenth century, made the control and more efficient collection of the public revenues a matter of constant preoccupation for the Government. Lord Treasurer Winchester, who had spent his life in financial administration and seems to have been a sound and hard-working official, introduced many reforms into our financial system which have been insufficiently studied. His interest was early directed to the frauds in the collection of customs which were notorious and which were a cause of frequent complaint in Parliament. Under Queen Mary, after consultation with the principal English merchants engaged in foreign commerce, he arranged for the publication of a new Book of Rates which should permit of the proper calculation of poundage rates upon imports according to their real value in place of the old rates, which, owing to the change in the value of money, had fallen far below it. Many newly introduced commodities were not rated at all, and had to form the subject of negotiations with the merchants and to depend upon their oaths for the value.

These new poundage rates, together with the new money duties imposed over and above the ancient complicated dues paid in kind or compounded for, like butlerage or prisage, did something to give the Crown more of its proper share in the increasing commercial prosperity of the country. Winchester realised that the fault lay not only in the rates of the dues, but also in the fact that their collection was inefficient, and that a great many goods never paid custom at all. A very important step forward was taken in Elizabeth's first Parliament when it was enacted[1] that goods, with the exception of fish,

[1] 1 Eliz. c. 11, An Act limiting the times for laying on land merchandise from beyond the seas.

should neither be imported into nor exported from the realm save at certain ports to be definitely named by the Crown, where there were customers or other resident officers to oversee their entry. Such a regulation was important in itself, but it was bound to remain a dead letter and leave unchecked the entry of uncustomed goods unless the Lord Treasurer and Council could set up the machinery for its enforcement and could make that machinery work efficiently and continuously, a requirement that was a part of the general problem of efficient administration which formed such a constant source of difficulty for Elizabeth and her Council.

Winchester began to grapple with the problem by buying out the farmers of the customs in important outports, thus making a clean sweep of the unprofitable ancient farms, and making the customers carry on the collection for a time under the supervision of the Council.[1] He next appointed in all creeks and havens, where uncustomed goods had been run, trustworthy deputies to the customers at the neighbouring outports, who had to account for their collections to their principals.[2] These deputies were to be paid by fees collected from the merchants making entries, and in 1564 regulations were issued prescribing new and rigid methods for the entry of all goods by customers and controllers in place of the lax methods inherited from earlier times.[3] These regulations were followed in 1565 by the issue of a complete Book of Orders and Instructions to customers, designed to secure efficient collection.[4] Had it been possible for the Council to oversee and ensure the carrying-out of these orders, the revenues of the Crown ought to have benefited largely, but this was not the case, for the Council and the Lord Treasurer had many other matters to attend to, and they were unprovided with trustworthy agents who could guard with assurance against the ex-

[1] S.P. Dom. Eliz. xxxvii. No. 70. [2] *Ibid.*; xxxviii. 30.
[3] *Ibid.*; xxxv. 39. [4] L.T.R. Memoranda, 7 Eliz. P. i., Rotulo, 319.

actions and peculation of customers that had gone on despite all the efforts of a hundred and fifty years to check them.

In 1567 it was decided to try a new system and to accept the offer of two London projectors, Henry Smith, mercer, and James Morley, ironmonger, who had propounded a new scheme for the surveyorship and collection of the customs on woollen cloths and wines imported and exported at all ports, the first proposition for a consolidated customs farm. The offer which was finally accepted by the Queen at Gorhambury on September 9, 1567, was for a period of six years, and is of considerable interest.[1] The basis of the rent to be paid by the farmers was a six years' medium, *i.e.* an average of the nett customs received by the Crown after the deduction of expenses during six years of the Queen's reign, two of which were to be the first and the seventh, as those in which the returns had been the highest. Smith and Morley were willing to pay for the customs on wool £2000 a year more than the medium, on condition that they might have one-third of any excess above that amount, and if the excess should be more than £3000 above the medium, they might have one-half of it. For wines a similar arrangement was suggested and accepted, the rent offered being £1000 more than the medium, one-third of all excess to go to the farmers, but if over £2000 they were to have one-half of the excess.[2]

Morley's farm was of very short duration, for though in September 1568 he was able to inform the Lord Treasurer that he had brought the affairs of the ports into good order, and that the duties were coming in well,[3] he had antagonised all the old customs' officers and had failed to satisfy the influential people at Court. In August 1568 the Earl of Leicester, acting through nominees made an offer to take over the farm of the import

[1] S.P. Dom. xliii. 55, and xliv. 2. [2] *Ibid.* [3] *Ibid.* xlvii. 61.

on wines at an increase on Morley's rent,[1] while other nominees of certain courtiers petitioned for a grant to them of his surveyorship of wools in spite of the Lord Treasurer's report that they were unworthy persons and unfitted to have a farm granted to them. Leicester's petition for the wines was immediately successful, and in September 1568 the grant of the survey to Smith and Morley was suspended, apparently without compensation, and soon afterwards the farm was granted to one Gardiner in trust for the Earl.[2]

The survey of wools remained in operation a little longer, and Lord Treasurer Winchester did his best to support Smith and Morley against the opposition of the customers, and to placate that opposition by the allowance of extra stipends to the officers to make up for the fees and gratuities that they had lost. In this he was unsuccessful, for these fees must have been of very considerable amount, as we may judge from the fact that Philip Cockeram, Collector of Petty Customs outwards in the port of London under Mary and at the beginning of Elizabeth's reign, paid £2250 to his predecessor for the place, although it was not the most valuable in the port.[3] The value of this and other collectors' places arose not merely from the fees received, but also from the fact that the accountant could accumulate large balances of ready money in his hands, and could hold them for a considerable time before paying them over to the Receipt. At a time when fluid capital was scarce these balances could be used to great advantage by an astute accountant, and he was safe so long as his speculations went well. If, however, he were unfortunate, both he and the Government were left in a very awkward position. Philip Cockeram, for example, came to complete shipwreck in 1569, and found himself left with great debts to the Crown for unpaid balances. These it was impossible to

[1] S.P. Dom. Add. xiv. 21. [2] *Ibid.* xlvii. 82; lxvi. 17 and 31.
[3] *Ibid.* Add. 1567? August.

recover by Exchequer process, for Cockeram had neither lands to extend nor much goods upon which to distrain, while his securities turned out to be men of straw.[1] It seems probable that a similar lack of financial backing was the cause of the breakdown of Morley's farm, and it was necessary for the Lord Treasurer to relinquish the new system embarked upon in 1567 and to make a fresh start.

It was determined to revert to the system of piecemeal farming of the unimportant outports, and to consolidate the farm of the valuable home ports in the hands of a merchant of substance who could come to terms with the patent officers of the customs and thus avoid the friction to which Smith and Morley's survey had given rise. Such a person was found in Thomas Smythe, one of the wealthiest of London merchants, who had succeeded to the large business of Sir Andrew Judd, the celebrated African merchant of Henry VIII's reign, and possessed ample substance to ensure the security of any rent that he might offer for the farm. Ever since the beginning of the Queen's reign Smythe had held the most important office in the port of London, that of Collector of Petty Customs inwards, and he would be more likely than any outsider to cope with any friction that might arise with the officials of the port. The negotiations proceeded throughout the summer of 1570, and ultimately Smythe's offers were accepted, and, with the exception of the duties on wines, all customs, subsidies, and duties in the ports of London, Sandwich, Chichester, Southampton, Ipswich, and the creek of Woodbridge were demised and let to farm to him for the term of four years from Michaelmas 1570 for a fine of £5000 and a yearly rent of £20,000, payable in two equal half-yearly instalments.[2] Smythe's offer was cer-

[1] S.P. Dom. lx. 80.

[2] *Ibid.* lxix. 32. See also references in Wadmore's article in *Archæologia Cantiana*, xvii. 194 *sqq.* Some account of Smythe's farm has been given by Wadmore in *Archæologia Cantiana*, ix., but only from a narrowly biographical standpoint.

tainly a liberal one if the customs account fairly represented the value of the duties, for during the twelve years since 1558, while he had been collector, the duties in London had only averaged £11,599 per annum, and those in the other ports would certainly not make up the difference.[1] Smythe agreed to discharge the whole fees due to the Custom-house officers in the port of London and half the fees due to the officers of the other ports, and he thus became the real master of the ports, for, since he was authorised to take all the fees and gratuities paid by merchants for the sealing of bills and warrants and for the entry of goods, he could share these with his fellow-officers as he pleased. It is impossible to state with certainty what happened, but everything seems to point to the conclusion that Smythe had come to an agreement with his fellow-officers before he made his offer, and that he either bought them out by the payment of higher fees than they had received before, or let them into his bargain as partners.

The new arrangement was far-reaching in its effects, for Smythe was authorised to make his own orders for the management of the business of the port so long as the Lord Treasurer was informed of them beforehand, and did not object to them as prejudicial. He took full advantage of this clause in his lease, and carried much further the rules laid down by the Council in 1565 for the entry of ships and the proper supervision of their bills of lading, ships being only allowed to load or unload at definite places in the port where Smythe's own officers could ensure that no goods should pass uncustomed.[2] For the proper oversight of his proceedings he agreed to make parchment books of all ships and wares entered according to the usual customs form, and to deposit these in the Exchequer within six months of the determination of his demise, but he was relieved of accounting in detail before the Exchequer and the payment of his annual

[1] S.P. Dom. ccxxxix. 67. [2] *Ibid.* Add. xxi. 118.

rent fully discharged his liability. Smythe seems to have done well out of the farm from the very beginning, for though the yearly charges he had to defray for salaries and upkeep amounted to over £4000, he confessed that in his first farm he made an average yearly profit of £6000.

The customs of London having been satisfactorily arranged, the Council turned attention to the abuses in the outports, and a commission was set up to examine into the matter, its principal agent being one Richard Carmarden, a personal follower of Secretary Cecil, upon whose fidelity and capacity he could depend. The commission resulted in the clearing-up of a good many frauds in the further outports, and the letting of the duties in those ports to farm to more advantage.[1]

Smythe's first farm ran out at Michaelmas 1574, and a second farm was arranged on a similar plan, but at an increased fine and rent to terminate in 1578.[2] On the renewal for a third farm fresh duties had to be arranged for the new draperies, the manufacture of which was now becoming of importance. The growth in the commerce of the country can be seen in the fact that during the third farm, lasting for the six years from 1578 to 1584, the customs and subsidies inwards for the ports of London, Sandwich, Chichester, Southampton, and Ipswich, averaged £25,486 in place of £11,599 which they had averaged in the first twelve years of the reign.[3] The last renewal of Smythe's lease for four years took place in 1584 for the enhanced rent of £42,000 per annum and a fine of £15,000.[4] It was only with very great difficulty that Smythe had persuaded Lord Burghley to sanction the renewal, for he had been accused of many high-handed practices in his treatment of the merchants, and it was alleged that he unduly favoured merchant strangers in return for commercial advantages in his own trade.

[1] S.P. Dom. lxxx. 7.
[2] *Ibid.* clxx. 4.
[3] *Ibid.* ccxxxix. 67.
[4] *Ibid.* ccxxvii. 22.

However this might be, there was no doubt that he had succeeded in establishing an efficient machinery in the port of London, and that this was of great service to Burghley and the Council in carrying out their policy of strict commercial regulation in the interest of the country as a whole. This was a very important gain, and Smythe's work marks a distinct stage in the evolution of an efficient customs service.

Another stage was achieved in 1585 in connection with the customs of the outports. Throughout the whole period of Smythe's first three farms, the farming of the outports had been carried out piecemeal and without much system, the farms being for different periods and let as a rule to the customers of the ports. So inefficient was the system and so small was the produce of the ports that in many cases the Receipt of the Exchequer was called to pay out for the fee of the customer and the expenses of collection considerably more than the amount collected and owing to the Receipt upon the account. Several offers had been made to the Lord Treasurer for the farming of the outports as a whole, and the suggestion had been made that the farm should be let by public auction to the highest bidder, a plan that was in force in Scotland at a little later date when the celebrated Archibald Primrose was the principal farmer.[1] None of the offers had been accepted, possibly because the financial backing of the projectors was not satisfactory, but at length in 1585 a firm offer for the farming of the customs of all the outports not included in Smythe's farm was made by Sir Francis Walsingham, Secretary of State, undoubtedly with financial backing from certain London merchants and some of the customers of the principal ports. The offer was accepted, and the farm granted in August 1585, the customs of the outports being demised to Walsingham from the following Michaelmas.[2] New orders and instructions for cus-

[1] Register of Privy Council of Scotland. [2] S.P. Dom. clxxxvi. 76.

tomers and officers in all the ports and creeks demised were issued in February $158\frac{5}{6}$, and a serious attempt was made by the farmer to introduce order and good government, his principal deputies being John Dawes and Lisle Cave who were constantly engaged in travelling from one port to another to oversee the collections.[1]

When Customer Smythe had held the consolidated farm for a total period of eighteen years, his fourth and last lease ran out in 1589, and it was shown that he had made for himself more than £16,000 profit since Michaelmas 1584. Burghley was determined to drive a hard bargain with him for the benefit of the Crown before he could have the opportunity of further profit. The demands for rent and fine for a new farm were such that Smythe pleaded his utter inability to pay them, although he professed himself overwhelmed with grief at the disfavour into which he had fallen with the Queen.[2] He would not or could not give way to the Lord Treasurer's demands, and no one else could be found who was willing to offer the rent asked, though the search for new farmers went on all through the year 1590. The Crown was therefore left in the position of having to administer the London customs direct, and when on the death of Sir Francis Walsingham on April 6, 1590, his widow resigned his lease of the outports to the Crown in order to wipe out £6000 of his unpaid balances,[3] the whole of the customs and subsidies of the kingdom were out of farm, with the exception of the dues on wines and certain smaller sources of revenue like the pre-emption of tin.

The first step in the organisation of a new system of direct administration was taken by the appointment of a Receiver-General of Customs Revenues, Thomas Middleton, a London merchant of position, who had gained considerable experience as Walsingham's principal officer in his farm of the outports. Instead of

[1] S.P. Dom. ccxlviii. 89, etc. [2] *Ibid.* ccxxvii. 22.
[3] *Ibid.* cclxxxiv. 24.

returning to the cumbrous old audit before the Barons in the Upper Exchequer that had prevailed before Smythe's farm, Middleton was allowed to present his accounts like those of any other Receiver-General of Crown revenues to the Auditors of Foreign Accounts.[1] The chief customership of the port of London, that of the subsidy inwards, having been relinquished by Smythe was put into the hands of Alderman Henry Billingsley. The ancient fee of £66 13s. 4d. that was attached to the place was obviously inadequate as a payment to an active officer charged with the supervision of much administration, and it was increased by special warrant from the Lord Treasurer to £400 a year in addition to the fees received from the merchants for services rendered.[2] The next most important officer in London was the Surveyor, Richard Carmarden, who during Smythe's customership had often worked for the Lord Treasurer on special Exchequer commissions. In order that he might hold a position of greater independence, Carmarden received out of the Receipt of the Exchequer £200 a year out of his whole salary of £256 13s. 4d., the remainder, the traditional stipend of the surveyor, being defalked on the customs accounts.[3]

The outports continued to be managed on the same lines as those laid down by Walsingham, Thomas Middleton being the Receiver-General, and three men, Lisle Cave, William Bland, and John Dawes, being appointed to hold jointly the position of general surveyor of the outports. Since their office was not of ancient date, but had only been set up by Walsingham, their fee of £366 16s. 8d. was paid entirely out of the Receipt.[4] They were charged with the general supervision of the collection in all ports, but separate accounts for each port were still kept and audited, and excessive waste of effort and leakage of money continued.

[1] S.P. Dom. ccxxxviii. 58, and Customs Accounts in P.R.O. Exchequer K.R.
[2] Sackville MSS. [1614], April. [3] *Ibid.* [4] *Ibid.*

The perennial difficulty in the management of all revenue services in the Tudor period has already been referred to in the case of Cockeram. It consisted not merely in the finding of officials who could be trusted to serve the Crown honestly and abstain from extortion and bribery, but also in guaranteeing that they should have sufficient financial skill to deal with the large balances of ready money that accumulated in their hands. Over and over again it was found that honest and trustworthy officials holding posts like that of Treasurer at War, Victualler of the Navy or Receiver-General got themselves into a hopeless tangle with their accounts, and when they had to relinquish their offices, were left with large adverse balances against them which they could not pay, and which it was impossible to recover from their sureties. The old Exchequer remedy of an extent upon their lands and goods was often incapable of enforcement, for in many instances they were landless men, or their possessions were so encumbered with prior charges that the Crown could not enforce its claims without extreme difficulty. Every Lord Treasurer was faced with the problem of clearing up a mass of bad debts that was continually being added to and that caused evils and difficulty in every branch of revenue administration. Burghley's period of direct administration of the customs added considerably to the volume of these "desperate" debts, as may be noted by a single instance. Thomas Phelippes, the decipherer, a trustworthy servant of the Crown, held in addition to his other appointments that of collector of customs outwards for the port of London, by no means the most important collectorship in the port, and yet in September 1600 we find him charged with a debt of £11,683 on his collection for the period of two years only, and quite unable to discharge the amount.[1] Walsingham, though a man of considerable means, hopelessly crippled his resources by

[1] S.P. Dom. cclxxv. 78.

his farm of the outports, and at his death left large sums owing to the Crown, which could never be recovered in their entirety, and for which a composition had to be accepted. In February $159\frac{7}{8}$ we find Burghley complaining of the difficulty of getting the customers of the outports to pay their debts, and of making the general surveyors hand over the balances of ready money that they had in hand.[1]

The nature of the difficulty and its importance to the Crown in its pressing financial straits were quite clearly realised by Burghley, Fortescue, Buckhurst, and the other members of the Council, but it seemed hopeless to find a remedy. The Parliamentary session of 1597 was marked by important debates as to the methods of enforcing prompt payments from accountants and the passage of an Act[2] for the reform of the Exchequer proceedure against defaulters. In the session of 1601, again, Acts were passed for the same purpose.

In the matter of the customs these remedies were not sufficient; it seemed to the members of the Council that other steps must be taken and a new system of farming worked out. Direct administration had failed to produce good results; there were incessant complaints from the merchants of extortion and bribery by the customers; the profits of the collections were practically stationary, though in spite of the war with Spain the trade of the country was increasing, and the smuggling of the prohibited commodities that were only allowed to be imported on licence went on almost unchecked. There was no system of preventive officers such as we are familiar with at a later date, and in the absence of such a system forfeitures of uncustomed goods were fewer than they had been even in the earlier period of Smythe's farm. The change in the value of imported merchandise and the introduction of new commodities had gone on at an increasing pace with the opening of

[1] S.P. Dom. cclxvi. 54.

[2] 39-40 Eliz. c. 7.

new channels of commerce owing to the successful war against the Spanish-Portuguese monoply. The Book of Rates drawn up in Mary's reign was generally admitted to be out of date, and in 1594 Lord Treasurer Burghley directed Alderman Billingsley and Richard Carmarden to draw up a report on the matter.

When the report was presented in November of that year[1] it was shown that of the articles enumerated in Queen Mary's book fifty-one were rated too low and the rates should be increased, and on sixteen articles the rates should be reduced. There were eighteen species of merchandise which had been introduced since the publication of the book and for which no rates were quoted. These goods were therefore valued according to the oaths of the importers, a practice that worked to the considerable disadvantage of the Crown, and led to a great deal of fraud on the part of the officers. Before a new Book of Rates could be prepared it was necessary to enter into conference with the merchants and to attempt some measure of agreement. Negotiations were begun in 1595 and continued for some time, but the offers of the merchants were found to be widely divergent from the demands of the customers; it was impossible to reconcile them, and the negotiations could not be completed until the great customs reforms were decided upon after Burghley's death in the Treasurership of his successor Lord Buckhurst.

To trace the genesis of these reforms it is necessary to return and consider something of the affairs of the wine farm. The impost on wines after the falling-in of the Earl of Leicester's lease granted in 1569 was divided into two farms, first that of the French and Rhenish wines, and secondly that of the Sweet wines mostly imported from Spain and the Canaries. The ancient dues of butlerage, prisage, etc., were not included, for they were in farm in various ports either as perpetuities

[1] S.P. Dom. ccl. 30.

or for periods of lives and could not therefore be affected by any reforms. The farm of the impost on French and Rhenish wines had been let for all the ports to Alderman Peter Haughton, a wealthy London merchant.[1] Practically the whole of these imposts, however, were entered in London, and at Southampton and Chichester for the French wines, and at Kingston-upon-Hull for the Rhenish. On the next demise of the farm Haughton was outbidden by John Swynnerton, another London merchant interested in the Bordeaux trade,[2] and the Crown did very well out of the competition between them. In 1595 Burghley made preparations to extend the system of direct administration, and Swynnerton was ordered to relinquish the farm. Haughton expressed his willingness to take it up again for ten years at the enhanced rent of £10,000 per annum and the usual annexed conditions of the free supply of 200 tuns of wine a year for the royal household together with the traditional allowances of 1050 tuns to the nobility on impost bills.[3] The particular value of the farm lay in the right it gave to the purveyance of wine for the household, and the right of pre-emption of a certain amount from every cargo at the specially low purveyor's price of £9 per tun. The merchants to escape this pre-emption were accustomed to pay composition, and these compositions formed a source of considerable profit to the farmer. Haughton offered either to take the lease or to manage the impost on commission, but after negotiation Swynnerton's higher offer to continue his lease was accepted, and he retained the farm until Michaelmas 1597. Similar arrangements for the farm of the Sweet wines to other merchants were made about the same date.

When Swynnerton's farm came to an end, the collection of the wine duties in London was placed in the hands of collectors; Sir Henry Billingsley was entrusted

[1] S.P. Dom. ccli. 64 and 65. [2] *Ibid.* 62 and cclii. 22.
[3] *Ibid.* 65.

with the collection of the subsidy of tunnage, and John Cage and Lawrence Smith, a servant of the household, with that of the impost and the management of the impost bills at salaries of £200 and £100 respectively.[1] In the outports the collection of the duties was entrusted to the customers. The first year of the new arrangement resulted in a considerable loss. From Michaelmas 1597 to Michaelmas 1598 the proceeds of Cage's collection of the impost after payment of expenses amounted to £6841, of Billingsley's collection of the subsidy £911, and of the outports £3633, a total of £11,385. The collectors charged 10s. a tun more for wine for the household than the farmer had done, and their management of the impost bills was more costly. Taking all these things into account and comparing them with the farmer's offer of £13,000 rent besides the usual allowances, it was shown that the Crown had gained £2408 less by direct administration than it would have done by the farm, and the object-lesson convinced the Lord Treasurer and Council that it would pay them to return to the farming system.[2] In December 1599 a new demise of the customs, subsidy, and impost on Sweet wines was made to the Earl of Essex, and of the French and Rhenish wines to John Swynnerton.[3] The annual rent for the latter farm from Michaelmas 1599 for seven years was fixed at £15,000, payable half-yearly, with the usual provisions as to purveyance and impost bills. This lease remained in force until 1607 and Swynnerton made considerable profits by it.

The next important step forward after the arrangement of the wine farms was taken in the case of velvets, taffetas, sarcenets, and other silks, cambrics and lawns, and an offer for the farm of the customs and subsidy on these articles was made in 1600 by Secretary Sir Robert Cecil, based upon a seven years' medium of the imposts.[4]

[1] S.P. Dom. cclxiv. Sept. 26, 1597. [2] *Ibid.* cclxxi. 36 and 99.
[3] *Ibid.* cclxxv. 16. [4] *Ibid.* cclxxv. 142; cclxxxiv. 9; and cclxxxiii. 54.

The lease was granted to Cecil on March 25, 1601, and the collection was managed for him in the first instance by the London merchant, Baptist Hicks, who was brother of his private secretary Michael Hicks, and a man of considerable wealth. His work was not entirely satisfactory, and in 1603 there were many complaints among the merchants on the Exchange about Cecil's underfarmers and their objectionable practices. The principal merchants desired that the Secretary should either carry out the patent himself or underfarm it only to persons of repute. The former course was adopted, and in 1603 Sir William Ryder, one of the chief of the London customers who held the new office of Collector-General of customs inwards, was appointed to collect the duties on silks, etc., for Cecil's use.[1]

The right of pre-emption of tin was the subject of a prolonged investigation by the Lord Treasurer and Council in 1595 and 1596, and after the receipt of rival offers for a farm from the Earl of Oxford and Lord Buckhurst, in 1597 the lease was granted to the latter.[2] The small impost on exported and imported beer and the duties on exported sea-coals were also in farm, while the customs and subsidy on currants were leased at a low rate to the merchants of the Levant Company who had established the trade.

Debates between Lord Treasurer Buckhurst, Sir John Fortescue the Under-Treasurer, and other members of the Council concerning the advisability of the introduction of a new general system of farming took place as early as 1599, and though all opinions gradually came to favour the abandonment of direct administration, the final decision to do so was not reached until with the death of Queen Elizabeth there was a close of the naval war. The cessation of hostilities set free much capital and resulted in a great impetus to trade, but the com-

[1] Cecil MSS. June 5, 1603, Cecil to Buckhurst.
[2] S.P. Dom. cclii. 49, 52, etc.; ccliii., 45, 46.

plaints of the merchants against the inefficiency, extortion, and bribery of the customers had become so acute that threats were being made in December 1603 of an appeal to the King to make void all appointments in the customs that were held during pleasure.[1] The well-known struggle in Parliament in 1604 over the bills for 'free trade' was another sign of the extreme dissatisfaction of merchants at the condition into which affairs had drifted.

In July 1604 Lord Treasurer Dorset, Lord Berwick, the new Chancellor and Under-Treasurer of the Exchequer, Lord Northampton and Secretary Cecil were appointed as a Committee of the Privy Council to enter into negotiation with the principal merchants and see what could be done.[2] At the same time John Wolstenholme and Arthur Ingram, two of the younger and more efficient officers in the port of London, were entrusted with the task of negotiating with the merchants for the production of a new Book of Rates by general agreement, the results of their labours to be reported to the Lord Treasurer.[3] The negotiations for the rates and the preparations for a new farm went on side by side and had an intimate bearing one on the other. Little need here be said about the former, but the negotiations being in the hands of thoroughly practical and skilful men went well, and the new book was signed by the King on November 26, 1604, and at once brought into operation. The original parchment book with the great seal attached is still preserved among the Customs records in the King's Remembrancer's records in the Exchequer,[4] and to an unprejudiced observer it appears to be an efficient and workmanlike production, and to deserve nothing of the ridicule poured upon it by a writer on the customs in our own day.[5]

The plan for a general farm that was considered by

[1] Cecil MSS. December 11, 1603.
[2] *Ibid.* July 21, 1604.
[3] *Ibid.* October 11, 1604.
[4] Exch. K.R. Customs, 173/3.
[5] Atton and Holland, *The King's Customs*, i.

the Lords Commissioners contemplated the leasing of the outward and inward customs of London and the four home ports to one company, and of individual outports to other companies or persons, a revival of the system of Customer Smythe's time. As soon as news of this plan got abroad the Commissioners began to receive offers for the farm of single outports or groups of outports, but they could make little headway with the letting of the much more valuable farm of London. In order to get offers Buckhurst, Cecil, and Northampton each entered into negotiations with their merchant associates who held in relation to them much the same position as a banker nowadays holds in regard to his clients. A good deal of private bargaining went on all through the months of August and September 1604, and it became clear to the Lord Treasurer and the Secretary (now Viscount Cranborne) that they could only secure good offers by including in one general farm the principal branches of the customs of the whole country, both London and the outports. The story of the bargaining is very intricate, and it is doubtful whether sufficient evidence is extant to unravel it, but as to the result there is no uncertainty.

On October 17, 1604, the Lords Commissioners under the presidency of the Lord Treasurer sat in public to receive tenders for the farm either of London and the four ports or of the general farm of all the ports as they had announced by a public placard set up on the Exchange.[1] No satisfactory tender was received, and the Commissioners adjourned to October 22, hoping for further progress in the interval. A good deal of private negotiation among the merchants was carried out for Lord Cranborne by Arthur Ingram, the Controller of Customs in the port of London, who had already done much business for him in connection with his farm of the silks, and he was at length successful in getting a firm offer

[1] S.P. Dom. ix. Nos. 69 and 79. General papers concerning the farm are in S.P. Dom. viii. Nos. 130-5.

from a company of substantial London merchants, headed by William Garway, a member of the Levant Company, who were willing to take a general farm for a period of seven years in place of the five years for which the Commissioners offered it, and an advance of £25,000 per annum on the medium for the previous seven years.[1] Another company was organised by John Swynnerton, the farmer of the French and Rhenish wines, but though we know that their offer was less than Garway's the terms of it have not been found. A third offer came from Secretary Cranborne himself, backed by a company directed by Francis Jones, an officer of the London Custom House, who had done private work for him.[2] None of the offers, however, was satisfactory to the Commissioners, and the matter was again put back. As soon as it became public knowledge that Cranborne was tendering for the general farm, he was petitioned by various of his correspondents in the outports to grant them the opportunity of investing in the speculation. Their offers could not be accepted, as most of the capital had already been subscribed in London.

In the middle of December the Council decided to accept Cranborne's tender, and at once a neat piece of financial manipulation went on behind the scenes. The Secretary apparently had no intention of carrying out the farm himself; he may have entered into the business with the object of securing better offers from the merchants, or he may have done so in order to get the composition that he knew the real tenderers would offer to him. Whatever his motives, however, he retired before the end of December; the two companies headed by Jones and Garway came to terms, paid a considerable composition to the Secretary for his rights, and divided the speculation between them, leaving Swynnerton's company without a share.[3]

[1] S.P. Dom. ix. 78, 1604, October 17. [2] Cecil MSS. November 12, 1604.
[3] S.P. Dom. xii. Nos. 50-4; S.P. Dom. Jas. I. viii. 130-5, and 139.

The patent for the lease took some time to prepare, though the actual farm came into effect from December 24, 1604. The Letters Patent were finally sealed on February 6, $160\frac{4}{5}$, to Francis Jones and Nicholas Salter,[1] and their terms are of considerable importance since they form the basis of all the subsequent demises of the Great Farm of the Customs until the system of farming came finally to an end in the reign of Charles II, and the modern system of direct administration by Commissioners of Customs came into use. By the terms of the lease the Crown granted to the farmers for a period of seven years, from Christmas 1604, the right of collection of customs and subsidy (1) on all goods laden in England and Wales for transport beyond the seas, (2) on all goods brought from beyond the seas, (3) on all overlengths and remnants of woollen cloths. The following dues were, however, excepted: (1) Tunnage, prisage, impost, butlerage, and other duties upon wines of all kinds (these were in farm to Swynnerton, the heirs of the Earl of Essex, and other persons); (2) customs of velvets, satins, silks, and taffetas (these were in farm to Viscount Cranborne, who had disposed of his lease to a company of merchants interested in the Great Farm, of whom Ingram was one); (3) customs of gold thread (in farm to two unimportant London merchants); (4) imposts and taxes upon sea-coals, stone-coals, and pit-coals (in farm to a company headed by Sir William Ryder); iron ordnance, tin (in farm to Lord Treasurer Buckhurst), or upon any other goods, wares, merchandise, or other things whatsoever other than upon any manner of woollen cloths, kersies, etc., transported out of the realm; (5) imposts of currants (in farm to the Earl of Suffolk and sold by him to William Massam and Arthur Ingram), tobacco (as yet unimportant but farmed), and all other wares to be brought into the realm. All manner of forfeitures were also excepted.

[1] S.P. Dom. Jas. I. xii. 50.

In return for these privileges the farmers agreed to bear the whole cost of the administration of the customs in London and the outports, to pay into the Receipt of the Exchequer or otherwise as directed by the Lord Treasurer's warrant the rent of £112,400 by even portions on the Nativity of St. John Baptist and the Birth of Our Lord. This rent was calculated as an advance of £28,600 yearly above what had been paid to Queen Elizabeth *communibus annis*, and a good deal of difficulty occurred later as to this provision, for it was shown that the medium for the seven years from Michaelmas 38 Eliz., to Michaelmas, 1 Jas., was really £85,272. The reserved rent should therefore have been £113,872, and on April 21, 1607, it was agreed by the farmers to alter this provision in their lease, and in consideration for a release from their former engagement for the new values of goods published in the Book of Rates to pay to the Crown a yearly rent of £120,000.[1]

With the publication of the new Book of Rates on November 26, 1604, and the establishment of the Great Farm on December 25, a new chapter of customs history was opened, and it only remains to note the effect of the new arrangements on the administration and to inquire what effect it had upon the fortunes of the officials. The essential point of the new system was the same as it had been in Smythe's farm, the most important customs offices were held not by mere employees of the Crown, but by the wealthy London merchants who had organised the farming company. Some of them, like Francis Jones, had purchased their offices and managed them by deputy while the customs were directly administered in order to facilitate the carrying on of their own trade; others, like Garway, bought out the previous holders when the farm was granted. Some of the younger and more active officers, like Arthur Ingram, controller of the petty

[1] S.P. Dom. Jas I. xxvi. 57.

customs, and John Wolstenholme, who had carried out the detailed negotiations, were allowed to participate in the speculation to the extent of $\frac{1}{48}$th or $\frac{1}{64}$th part, while others, like John Suckling, who as secretary to Lord Treasurer Dorset had rendered services in getting the farmers' tender accepted, were aided to purchase important offices and work them by deputy.[1] In the London Custom House the principal officers and the prime farmers were identical, and apparently the only important office that retained its independence was the surveyorship, held by Richard Carmarden, junior, who succeeded his father in charge of the interests of the Crown on his death in 1604.[2]

The lesser officers in the port, however, came off very badly. One of the principal causes of complaint against the system of direct administration had been the extortionate fees demanded of the merchants by officers of all grades, and immediately upon the granting of the farm the exaction of all such fees was stopped and the officers were left only with their traditional stipends which were quite insufficient to reward them for the considerable sums for which they had purchased their places. So great an outcry was raised by the officers and such pressure was brought to bear upon the Council that they were compelled to give way, and a compromise had to be arranged.[3] In the first place the customary fees were reorganised and their amounts publicly fixed by the drawing-up of a Table of Fees which was set up in the Custom House; in the second, a compensatory allowance was made to the merchants in London by permitting them to enter their goods, not in their true quantities, but at a reduction of 5 per cent., so that from February $160\frac{4}{5}$, when the system came into operation, an importer might

[1] Sackville MSS.

[2] Cecil MSS. September 24, 1604, and February 24, $160\frac{4}{5}$.

[3] Sackville MSS. April [1614]. At this date there was a considerable difficulty over the terms of the compromise.

enter, say, 105 parcels of merchandise as 100 and pay customs and subsidy only on the lesser number. This allowance was made in all probability not merely as a compensation for the fees, but also as a sop to reconcile the merchants to the introduction of the new Book of Rates.

The officers who suffered most under the new system were the Surveyors of the Outports whose offices were entirely abolished. These four men, Sir Thomas Middleton (now Lord Mayor), Lisle Cave, John Alington, and Abraham Dawes, or their predecessors, had been appointed in 1590 by Lord Burghley's warrant[1] and had been confirmed in their offices on the King's accession. They had originally been Walsingham's officers for supervising the business of his farm, but were taken over when the Crown undertook direct management of the outports. They were paid £1700 per annum out of the Receipt of the Exchequer, the sole stipend for themselves and their sixty employees, for they took no fees of the merchants as the other officers did.[2] By a circular letter to the ports on November 4, 1605,[3] the Lord Treasurer informed the officers there that the customs having been let to farm it was found unnecessary to maintain the Surveyors of the Outports, and that their office was therefore dissolved, the £1700 per annum thus saved being allocated to increasing the salaries of certain officers mainly in the port of London, who had suffered by the lease of the Great Farm. Only two Surveyors were in future to be employed and charged not with administrative functions but solely with the reception of quarterly books of accounts from the customers and comptrollers of the ports for the information of the Lord Treasurer. Considerable distress was caused to those

[1] Sackville MSS. April [1614].
[2] Cecil MSS. June 7, 1605. Surveyors to Salisbury.
[3] Sackville MSS. April [1614].

of the Surveyor's staff who could not secure employment with the farmers, but most of them did secure such employment and became the active customs officials of the ports, while the patent customers and comptrollers came either to be sinecurists or to discharge merely nominal functions by deputy.

The establishment of the Great Farm marks the end of the ancient English customs system and the beginning of a fresh system that lasted without essential change to the great consolidation reforms at the end of the eighteenth century. It was of great importance in relation to national finance, for on the one hand it gave to the Crown a regular and expanding revenue on which it could depend for the discharge of the regular expenses of government, and on the other a responsible body of English financiers with whom it could negotiate for loans upon the security of the customs without having to resort to foreign bankers. The regular organisation of the customs over the whole country under a unified direction facilitated the carrying-out of fiscal regulations and also the raising of new duties in the form of impositions on valuable commodities that were previously only lightly taxed. In the collection of these impositions the Great Farmers played an important part, and further investigation of their activities will do something to elucidate certain of the more obscure points in the long controversy concerning them throughout the reigns of the first two Stewarts.

## Bibliographical Note

Very little detailed attention has been paid to the organisation of the Customs under the later Tudors. Mr. Hubert Hall's well-known book on the Customs is mainly concerned with the mediæval revenue, and though his second volume devotes considerable attention to Bate's Case and the right of imposing by the prerogative, little is said about administrative details.

Atton and Holland's *The King's Customs*, 2 vols., is mainly based upon Hall in the early period, and only a few pages are devoted to the Tudor and Stewart periods, though the work is valuable for the 18th Century. Professor Gras has cast many interesting sidelights on the Customs in his excellent volume on *The English Corn Market* (Harrard Studies), and thanks are due for his work in connection with the Port Books.[1] The majority of the papers quoted in this article have come into the State Papers from Burghley's MSS. having come to him as Lord Treasurer. There are others of his papers bearing upon the subject in the great collection of Burghley MSS. among the Lansdowne Collection in the British Museum. The papers among the Sackville MSS. that are referred to came to that collection among the papers of Lionel Cranfield, Surveyor-General of the Customs under James I, and afterwards Lord Treasurer. They are inadequately calendared by the Historical MSS. Commission, 4th Report, Appendix. There is an interesting printed tract entitled 'The Customer's Apology' among the State Papers (S.P. Dom. cclxxiii. 102), and copies of several editions of this are also to be found in the British Museum.

[1] First Report of *Royal Commission on Public Records* (1912), Appendix V. Since this Note was printed, Professor Gras's important work on the "Early English Customs System" has been published in the *Harvard Economic Studies*.

# THE PLACE OF THE COUNCIL IN THE FIFTEENTH CENTURY

*The Alexander Prize Essay*, 1917

By THEODORE F. T. PLUCKNETT, M.A.

The purpose of the following essay is to form some estimate of the place occupied by the King's Council in the political and administrative machinery of England during the eventful reigns of the Lancastrian and Yorkist Kings, while an attempt must also be made to discover the source of its power, to exhibit the means whereby it hoped to control the entire government, and to trace the fluctuations of its long conflict with the monarchy.

Indeed, the rule of Lancaster is remarkable for the abundant evidence it affords of the council's predominance; practically the first public utterance of the new dynasty was its founder's pledge to be governed by the counsel of the 'Sages and Ancients of the Realm,'[1] and when, three-quarters of a century later, the line had ended in violence and exile, the last echo of its departed polity was heard in Fortescue's plea for more 'counsel'. Time after time, parliament prayed for 'sufficient counsel,' and as often did Henry IV inform them of the names of his advisers and swear them to be upright and true; later, in the troublous times of his grandson, it is still the council which was the storm centre, the council's dissensions which raged round the child-king's throne, and the council's collapse which eventually wrought his ruin. To appreciate how intimately the fortunes of the

[1] *Rot. Parl.* iii. 415 (2).

council were bound up with those of the nation itself, it is well to consider how widely its ramifications spread throughout the body politic; Parliament, Chancery, Exchequer, Law Courts—all these still remained so closely connected with the parent body, as represented by the group of men nearest the King, that it is difficult to determine at what period, and to what extent, one should regard them as separate institutions.[1] This inter-penetration of the various government departments by the council can be regarded as the administrative aspect of the growing political supremacy of the crown. For centuries the crown was steadily gathering strength and building up a political unity out of the discordant elements of feudalism. One king was to be felt at work throughout the realm, and as the task grew heavier, it was one council which ensured the smooth working of the various organs of the administration. As a result, the fifteenth century possessed as highly centralised a constitution as one could expect to find, considering that communications—the nerves of a bureaucracy—were still so tardy; such machinery as did exist, however, was to a striking degree amenable to council influences, and at times, subject to council control.

The paramount importance of the council is clearly witnessed, moreover, in Fortescue's famous treatise, which is substantially a commentary upon the institution's record under the Lancastrians. His considered judgment is of priceless value as evidence of the causes which wrought its fall, while his independence as a critic is assured by the fact that he has been claimed by Stubbs as the exponent of Lancastrian canons of policy, and by Plummer as a Yorkist—whence it may be safely concluded that he is expressing Lancastrian sentiment, freely modified in the light of subsequent experience. We shall have occasion to insist that the council's greatest

[1] See the detailed studies by Professor J. F. Baldwin in *The King's Council* (Oxford, 1913), and cf. *below*, pp. 172-3.

labour was to dispense the Royal favour and patronage, mainly among persons who, to modern minds, ought to have been paid a salary as civil and household servants, and that a prolonged conflict over the control of the various Royal seals was due to this factor. Fortescue is well aware of the importance of the matter, and unhesitatingly declares that all petitions asking for gifts or rewards should be discussed in the council, who were to consider the suppliant's merit from the standpoint of the King's purse. This done, our author thinks the rest, quiet, and contentment of the whole realm assured, for in such a council every difficulty could be removed before the King took action. Fortescue therefore thoroughly believes in council government, but nevertheless ruthlessly exposes all the abuses which ruined it under the Lancastrians, and attributes all the nation's woes to the reckless selfishness of the mighty princes, prelates, nobles, and officers of state, who used the King's resources to maintain their own trains of dependents, and met in the Royal council to transact their own, rather than the nation's business. So he sketches a model council of twelve laymen and twelve spiritual men—the wisest and best that can be found—who are to counsel continually. Tnese, it should be noted, contained not a single lord, but to them the King might add four nobles and four prelates. At their head was to be a *Capitalis Consiliarius*, but this dignity was reserved, not for a Bedford or a Gloucester, but for one of the simple twenty-four. Further, the simple men were to be paid a salary, but the noble men none—a daring break with contemporary practice, which consistently apportioned wages on the principle that 'to him that hath shall be given'. The Chancellor, Treasurer, Keeper of the Privy Seal, and the Chamberlains had long been the most assiduous members of the council, but Fortescue holds them all suspect; they may come to his ideal council if they like, he says, but he does not welcome them, and the appoint-

ment of one of the twenty-four as chief councillor is a plain suggestion that the Chancellor—the honorary chairman—is not expected to be a frequent visitor. Fortescue is Lancastrian enough to call the lords at large *Consiliarii Nati*, but he will only have their presence when it is invited, and even the eight lords and prelates nominated by the King were to receive no salaries, and so they too could be trusted to stay away. The scheme was, of course, impossible; twenty-four men who had no great status (as things went in those days) but only good intentions, could not have carried on the government, while the greatest officials were alienated by intentional depression, and the whole baronage slighted. The project hoped to avoid the social difficulties which lay at the root of the trouble by simply ignoring them. Nevertheless, the suggestion is of immense value, not as political science, but as evidence of the case it meant to cure, and no plainer statement could be desired of the council's place in the constitution and of the fatal results of the baronial exploitation of its powers.[1] Then we must also note what Fortescue has to tell us about the great council (which will be more fully described later[2]), if only because there is a prevalent opinion that he does not mention such a thing.[3] Distrust and caution are the most he expresses. He frankly concedes the argument drawn from history and admits that the

[1] In one point of detail we clearly see the lawyer, for he recommends keeping a ledger 'as a registir or a ordinarye howe thai shall doo in euery thynge,' which suggests a precedent-book rather than a journal. As a matter of speculation one might note some curious leaves of parchment which are scattered through the MS. Cotton., Titus E. v., among comparatively modern transcripts on paper of rolls of parliament. The leaves in question consist of fair copies in contemporary handwriting of various ordinances for council procedure such as we shall notice later, and seem to have originally formed a book which was subsequently dissected, and bound up with the later and somewhat larger volume. Was this such a book as Fortescue mentions?

[2] See *below*, pp. 165-70.

[3] It is a curious lapse of his editor to say (pp. 4, 307) that Fortescue makes no reference to great councils, seeing that a whole Chapter (XVI) is devoted to the subject.

'Romaynes prospered whiles thai hade a Grete Counsell; . . . be wich ensample it is thought þat yff the Kyng have such a Counsell as is beffore specified [*i.e.* a 'great Council' like the Senate], his lande shall not only be ryche and welthy, as were þe Romans, but also is hyghnes shalbe myghty, and off poiar to subdue his ennemyes, and all oþer that he shall liste to reygne uppon'. This phrase is widely different from the usual confidence with which he states his opinions, and he surely means us to accept the impersonal 'it is thought' as dissociating him from the view that follows.

Fortescue's suggestion of a council of simple men clearly shows that he places the blame for the catastrophe of the fifteenth century upon the inordinate degree of influence possessed by the magnates, while his faint praise of the great council—their own peculiar organ—must clearly bear the same interpretation.

It is considerations such as these, therefore, which suggest an examination of the council's place in the constitution under the Lancastrian kings. Many possible lines of research present themselves, and several of them have been pursued with most important results[1] and therefore need not be discussed in this essay which is more particularly concerned with a few points only which have received so far little or no attention. Thus it will in the first place summarise the results of research upon the history of the great council,[2] with a view to showing from the records its general agreement with the continual council in a common tendency towards oligarchic rather than monarchic ideals, tracing further the constitutional means whereby this close co-operation was made possible,[3] and the political theory which sanctioned it.[4] Then also must be discussed the administrative machinery through which they exercised

[1] See Baldwin, *The King's Council;* Palgrave, *Original Authority*, etc.
[2] *Below*, pp. 165-171. [3] *Ibid.*, pp. 172-3. [4] *Ibid.*, pp. 174-5.

their powers, and reasons must be submitted for the opinion that the procedure connected with the Great Seal, the Privy Seal, and the Signet is of great significance in this respect, and that these seals were the subject of an important constitutional struggle, which has hitherto passed unnoticed.[1] In conclusion, something must be said of the very obscure period of the Yorkist and early Tudor reigns, and the suggestion will be made that these critical years saw, not so much the fall of the council, as a striking change in its functions, and consequently in its political position.[2]

Before proceeding to the examination of these problems, however, some remarks on the nature and extent of the original materials available may be of service, not only as a bibliography of sources, but also by reason of the fact that the distribution of council documents is a valuable indication of the council's position in the nation's economy. In the first place it must be noticed that there is no officially compiled *corpus* of council acts—be it in the form of minutes, registers, rolls, or decree books—dating from our period.[3] Consequently, the records of its work must be sought among the general collections of archives, where they may be traced scattered through a number of different departments. This statement of fact may very properly be regarded as significant of the council's constitutional position; it was not one of a number of independent organs of state, so much as a rather indefinite body at the centre from which the other departments radiated, and from which they received constant inspiration and control.

For example, the Patent and Close Rolls of Chancery consist of entries of acts which have reached the last of

[1] *Below*, pp. 176-183. [2] *Ibid.*, pp. 185-9.

[3] There are a few exceptions to this general statement which need not be discussed here, but in no case have we an *undoubtedly official* roll or register, while on the other hand, it is certain that the compilations in question are only selections which are far from exhaustive.

a long series of stages, but the rolls do not always clearly indicate what those stages were, so that unless the text of the patent or writ expressly refers to them, we have to rely entirely upon the docquet at the end of the record. When this is 'Per Consilium' or 'Per Regem in Consilio' there can be little hesitation in regarding the entry in question as an authentic council act; on the other hand, of course, 'Per ipsum Regem' clearly tells the opposite tale.

In the fifteenth century, however, matters are not often so simple as this, and the usual docquet 'Per breve de Privato Sigillo,' is as much as we can learn in most cases from the roll. It may have been the King who set the privy seal in motion at his own will, or it may have been that the council procured the privy seal upon their own authority. To distinguish these two cases is of great importance to our subject, but the docquet on the Chancery Rolls is the same for both, and therefore gives no guidance in the matter.[1] It thus becomes necessary to seek the methods by which the privy seal was procured, in the hope that here we shall be able to make a fair estimate of the relative influences of the King and his council. Now the authority upon which the privy seal was applied was carefully preserved by the privy-seal office as their warrant, and it is upon this collection of documents that our judgment of the council must rest. They present a considerable variety

[1] For example, the constableship of Shrewsbury Castle was conferred on Bewes Hampton by patent in 1436 (*Cal. Pat. Hen. VI.* iii. 25), while Thomas Chace was reinstated as Chancellor of Ireland by a similar instrument (*ibid.* 28). In both cases the patent was procured 'By writ of Privy Seal,' but the difference between the origins of these grants can be seen in the respective warrants which moved the Privy Seal; the former was a petition endorsed in a boyish hand 'R.H. nous auons graunte'; the latter bears no hint of the King's intervention, being expedited by a council consisting of the Duke of Gloucester, the Archbishop of York, the Bishop of Norwich, the Earls of Warwick, Stafford, and Northumberland, Lords Scrope, Hungerford, and Tiptoft, the Chancellor, Treasurer, and Keeper of the Privy Seal (P.R.O. Council and Privy Seal, file 58, 1 Nov., 15 Nov.).

of forms, the most frequent being that of the petition, which having been marked in some way—by endorsement or signature—to indicate the granting of the request by the King or council, or sometimes both, was sent straight to the office of the privy seal there to serve as warrant for the issue of the seal. Other frequent forms are drafts of documents which, having been considered by the council, were kept as reference copies of the privy seal's out-letters, while in lesser numbers are to be found minutes and agenda. In every case, however, the document was primarily intended as a warrant authorising the use of the privy seal, and hence they were accumulated as a matter of routine in its office, which periodically transferred its contents to the Treasury. In the Public Record Office they are therefore classified as 'Exchequer: Treasury of Receipt, Council and Privy Seal,' and are now mounted chronologically in ninety-five files. Neither list, index, nor calendar exists, beyond a mere note of the dates comprised in each file. The collection in its present state is very irregularly preserved and grave losses must be presumed. As it is, a large proportion are damaged and only partly legible.

A number of these documents were abstracted from official custody, it seems, in the early seventeenth century by Sir Robert Cotton, and incorporated into his library, chiefly in the manuscripts Cleopatra, F. iii., iv., and v., which were printed, with additions from other sources, by Sir N. H. Nicolas, as *Proceedings and Ordinances of the Privy Council.* Most of the types of council document may be found represented in these volumes, but by no means in the same proportions as existed in the council's own day, for a comparison of Nicolas' volumes with the Record Office files shows that Cotton had picked out nearly all the minutes and agenda, together with the longest of several rolls, neglecting, however, most of the more detailed proceedings which were recorded only as endorsements on petitions. The selection thus consists

mainly of pieces of general political interest, relating to famous men and dramatic incidents, and revealing the council chiefly in its deliberative aspect. The Record Office sources correct this view by impressing one with the vast amount of purely administrative work performed by the council. Here it was, in fact, that the crown and council quarrelled, and it is in the Record Office files that the rise and fall of the council's fortunes must be traced.

These documents, however, have not yet become generally known, although Professor Baldwin's work, which is the only considerable example of their use, has clearly shown that much new light upon the council may be expected from this source.

Using this new evidence, therefore, as the main basis of research upon the great council,[1] it may be noticed that during sixty years of Lancastrian rule, the great council met between forty and fifty times, although there were only twenty-two parliaments in the same period. The surest way of forming a judgment, of course, is to examine, one by one, all its known acts, and then there can be no doubt of the verdict, while by taking only some of the most important ones we shall clearly see their general nature.

Henry IV was kept in perpetual subjection by almost annual meetings of the magnates. At the very beginning of the reign, the lords in parliament exacted the famous pledge already cited,[2] and within three months they enforced it, for rebellion and widespread dissatisfaction had raised problems which the continual council was at first afraid to face, and so it reserved a long schedule of difficulties for the lords to settle in a great council. What to do with King Richard, how to treat the men

[1] For a detailed study upon which the following remarks are based, see *The Great Council in the Fifteenth Century* (thesis by the present writer in the University Library, South Kensington).

[2] *Above*, p. 157.

who lynched Kent, Salisbury, Huntingdon, and Despenser, how to keep some degree of security for life and property, where to get money, how to wage war against France—in fact, all the government's outstanding questions were thought proper for the magnates to settle.[1] When they met,[2] they conducted some diplomatic negotiations with France, and finally prepared for war by raising money and men among themselves, and authorised the King to ask various abbots, who had not been present, to make loans, which several did,[3] thus sparing the commons from taxation.[4]

In March 1401 a great council made some ordinances for Wales;[5] in January 1402 one took the place of a parliament,[6] ordered an inquiry into the Royal finance,[7] and did some judicial work;[8] in August 1404 the Welsh war was discussed at Lichfield,[9] while in 1405 the Duke of York was arrested after a dramatic scene in the great council which also flatly refused the King's demand for money,[10] and after a long adjournment, broke up in absolute deadlock;[11] in 1406 it called all the customers and controllers in England before it[12]—such is the barest epitome of what some of Henry IV's great councils did.

[1] *Nicolas*, i. 107-11. When the continual council had got over its panic, it withdrew some of these articles, and took independent action upon them.

[2] *Ibid.* 102-6; *Rymer*, viii. 125-7.

[3] Council and Privy Seal, file 26, contains some of their replies. Cf. *Ann. Hen.* 332.

[4] *Adam of Usk*, 44; the Editor's theory that *Nicolas*, i. 107-11, does not refer to a great council is disproved by the fact that the heading appears on *both* sides of the manuscript; thus it could not be accidental as he suggests. *Adam of Usk*, 201-2, n. See MS. Cleopatra, F. iii., ff. 9 and 9*b*.

[5] *Rymer*, viii. 184-5.

[6] Council and Privy Seal, file 11 (Jan. 14); MS. Add. 24062, f. 136.

[7] *Nicolas*, i. 180.

[8] Chanc. Warrts. i. 1540 (Hilary and July 18).

[9] *Nicolas*, i. 233-5; *Cal. Pat. Hen. IV*, iii. 412; Chanc. Warrts. i. 1541 (Aug. 28-9).

[10] *Rymer*, viii. 386; *Ann. Hen.* 398-9; Council and Privy Seal, file 17 (Jan. 29).

[11] *Wals*, ii. 268.

[12] Issue Roll, Pasch. 7 Hen. IV (June 7).

and it unmistakably shows that they held very high views of their place in the government.

The next reign also bears striking witness to the commanding position held by the great council, for Henry V himself found it prudent to exercise some caution in his dealings with it over the reopening of the war with France. These negotiations have not yet been entirely unravelled, but it seems clear that France had no desire for war, and that the English magnates and commons showed so little enthusiasm for the project, that Henry had some trouble in carrying his point, for it must be confessed, it was Henry himself who must bear the blame. The two nations were slowly exchanging peaceful embassies, which cautiously progressed in their discussions from short truces to a general truce, and even broached a treaty and a marriage alliance,[1] when Henry caused universal consternation by commissioning an embassy on May 31, 1414, to conclude a treaty, negotiate a marriage, and demand his 'rights'. Four days later he opened other negotiations for a marriage treaty with Burgundy.[2] Charles was in dismay, for Henry had shown his hand, and those who knew the facts could have had no illusions, but when a great council met, on September 22 following,[3] these events were still hidden from it by the closest secrecy, and the prelates, lords, and knights who assembled at Westminster were totally ignorant of the fact that Henry had made a formal demand for his 'inheritance' nearly four months before. The King, however, assumed an air of indecision, and asked them 'of their goodness and of their good counsel to show him as touching the right and title that he had to Normandy, Gascony, and Guienne'.[4] A discussion seems to have followed, resulting in a very cautious reply. The lords apparently did not risk an answer, but the knights, upon their own and the lords' behalf, re-

[1] *Rymer*, ix. 51-5, 60, 69-71, 91-103.
[2] *Ibid.* 131-3, 136-7.
[3] Issue Roll, Pasch. 2 Henry V, m. 15.
[4] *Brut*, ii. 374 (cf. 552).

hearsed the King's request for their advice, and expressed their conviction that so Christian a prince would not begin a matter displeasing to God, but eschew the effusion of Christian blood, and not make a war out of mere wilfulness; therefore, they unanimously asked the King to send an embassy, and if an offer by the King to moderate his claims produced no settlement, then they were prepared to do their duty.[1] This reply doubtless confirmed Henry's anticipation of reluctance, if not actual opposition in the great council, and increased his caution. In November a parliament met, and made the same request for more negotiations,[2] so the King had to conciliate the magnates and commons by commissioning a fresh embassy; so little likelihood did there seem of war that the Commons in Parliament were discussing the position of alien priories in England, 'in case a final peace with France should be made'.[3] The diplomatists were still negotiating when Henry declared his determination to make war before the City fathers.[4] Once more the great council met, and on April 16, 1415, the question of war was again raised; the failure of the negotiations was set forth, in spite of proffered concessions (as the King said), and at last the King obtained the grant of an aid.[5]

The fact that a King of Henry V's disposition should find it politic to treat his great council with such caution, is faithful testimony to its strong position, while their unanimous demand for negotiations and their appeal to his sense of justice, show that they were able, if they had the inclination, to give him a very independent opinion upon matters referred to them. Needless to say, once the war began, we hear no more of great councils under Henry V, and it is not until the accession of his son that they resume their functions.

The next reign provides the clearest statements we

[1] *Nicolas*, ii. 140-2. [2] *Ibid.* 150. [3] *Rot. Parl.* iv. 22 a.
[4] Riley, *Memorials of London*, 604. [5] *Nicolas*, ii. 150-1, 155-8.

possess of baronial political thought as it affects the great council, and the surest examples of its working in practice. A continuous decline in its power and prestige still went on in spite of the occurrence of a long minority, and the subsequent victory of Henry VI over the continual council might have been repeated over the great council if it had not been for the intrusion of the dynastic question.

At the beginning of the reign, the lords at large assumed control of the government and the seals, and parliament subsequently ratified their action,[1] while the immense task of renewing and confirming legal documents that had lapsed on the demise of the crown was committed entirely to the great council.[2] Perhaps this dreary work gave the lords so bad an opinion of administration that they lost their taste for it; certainly, they made no considerable attempt to restore the conditions of Henry IV's reign, and when great councils do meet, we find the personal element steadily overshadowing the national interest. In 1427 they sanctioned Gloucester's adventure in Hainault;[3] in 1429 they were convened to arrange for the coronation and face an annual deficit of 30,000 marks, but all other business was cast into the shade by Gloucester's dramatic attack on the Cardinal of England,[4] while two years later they granted Humphrey an enormous salary.[5] In 1434 Gloucester attacked Bedford before the great council.[6] Not until October 1436 do we find one which did much administrative and judicial business such as we found under Henry IV, and then it certainly did work well—a blunder by the Exchequer clerks was rectified, some shipping regulations were made, a widow's long complaint of violence and oppression was answered, a little war-finance transacted, and an Archbishop released from a legal tangle[6]

[1] *Rot. Parl.* iv. 172 b. [2] *Ibid.* [3] *Nicolas*, iii. 271-3.
[4] *Ibid.* 322-6. [5] Devon, *Issues*, 414. [6] *Nicolas*, iv. 210-16.
[6] Council and Privy Seal, file 58 (Oct. 21-30).

—all this shows the best aspect of the great council's functions, but for the last time; many more assemblies followed but do not appear to have done much, so that one is tempted to lay stress upon the facts that in 1437 Henry had begun to free the seals from council control,[1] and in 1436 met the last great council which did much actual governmental work, and to claim that they are more than mere coincidence. In any case practically nothing is heard of great councils until in 1453 the King's malady revived the conditions of the minority. Henceforth great councils are called, but with different motives. There had been intrigues and quarrels in the continual council for the last twenty years; now it was almost private warfare among the magnates of the great council, so that time after time they were convened in the hope of making peace,[2] at home, if not abroad, but the lords would not attend.[3] There were no spoils to distribute, for as we shall show later, the King had recovered control of the seals, and as he could not offer exorbitant wages to all the lords of the land, they simply stayed away. Occasionally they met, as when there was a chance of meddling in the King's household,[4] but national work was treated with complete apathy.[5]

The Wars of the Roses began, but still the King tried to make a reconciliation at the great council of 1458,[6] when his personal influence led to the great procession to St. Paul's, but it was only in his own presence that his obvious zeal and earnestness dominated those around him. It may have been his consciousness of this that led him to keep as many lords at court as he could, thus making his continual council almost as big as the great council; but all his efforts only slightly deferred the in-

[1] *See below*, p. 181. [2] *Nicolas*, vi. 163-4.

[3] *Ibid.* 216-7; Council and Privy Seal, file 85 (m. i.). [4] *Ibid.* 220-33.

[5] 'The lordes Chaunceller, Tresorier, and therle of Sar' [are] in London, and noo more lordes at the begynyng this day of the grete counsail. Many men say that there shuld be, but thei wote not what.'—*Paston Letters*, i. 392.

[6] *Whethamstede*, i. 296-308.

evitable catastrophe, which included both the King and the council. If the magnates could not rule the State, they could ruin it.

That the baronial theory was extreme can be seen from one or two sentences in which they express their views on politics. Thus they claimed that during the minority of the King, at least, the government of the realm pertained to 'the lords spiritual and temporal as they be assembled in parliament or great council, or else, them not being so assembled, unto the lords chosen and named to be of his continual council'.[1] Even in more normal times they averred that the King's progenitors had a laudable custom of settling their finance every year in great councils.[2] That they played a prominent part in national affairs under Henry IV has already been shown, while their gradual declension from this position as they became more absorbed in the personal and family politics of the time has also been noticed. When all this is read in connection with Fortescue's remarks on the continual council, it is evident that both bodies pursued the same ends, that is to say, both tried to appropriate as much of the Royal power as they could, and to reduce the King to the position of a *fainéant*. The great council was to control broad questions of policy, while the continual council was to determine the minor matters of administration.

It is not sufficient, however, merely to say that both bodies contained the same class of magnates, and that both pursued a similar policy, for they had much more in common than this. There was, in fact, some obscure bond which united the two in a most remarkable manner, not only with each other, but also with parliament, and it now remains to discover the constitutional basis of the singular unity which pervaded the three institutions.

[1] *Nicolas*, iii. 233.

[2] *Ibid.* v. 64-5; there is no trace of these annual great councils.

A few examples will show the peculiar difficulties of the subject. Beginning with the great council and parliament, we find that their relations were most intimate; there was a 'great council in parliament' with an implied contrast with a great council out of parliament.[1] In one of Henry IV's early parliaments 'the necessity of the realm was shown to the barons and commons of the realm by my lords of the great council.'[2] A letter of *Inspeximus* 'by the advice of the Great Council' was procured 'by the King in Parliament'.[3] Business begun in parliament might be finished after its dispersal in the great council,[4] and even while parliament was actually in session we find the great council at work,[5] and in several instances a great council was held as a preliminary to Parliament.[6] Then also, the continual council was very closely connected both with parliament and with the great council. The phrase 'Council in parliament' constantly occurs[7] and examples illustrating its meaning are not hard to find; agenda for parliament occur among the council's papers;[8] and proposed legislation was at times drafted by the council,[9] which was, in fact, the executive board of parliament, as may be seen

[1] *Cal. Pat. Hen. VI*, ii. 297; *Nicolas*, iv. 185-6, 219, 287-8; *Rot. Parl.* v. 438 b.

[2] *Nicolas*, ii. 58. [3] *Cal. Pat. Hen. VI*, iii. 128.

[4] *Rot. Parl.* iii. 457 (16) is the petition; March 10 was the last day of the parliament (*ibid.* 465, No. 44), and the ordinance by the advice of the great council was made March 18, and ratified on 22nd (*Rymer*, viii. 184-5). Cf. *Rot. Parl.* iii. 576 (40), and the great council's inquiry, July 8, Issue Roll, Pasch. 7 H. IV, June 7, cited above, p. 166, n. 12.

[5] *Rymer*, viii. 504-7, and the parliament of October-December, 1407, *Cal. Pat. Hen. VI*, i. 9-23, 32-3, etc., and Hen. VI's first parliament. Cf. *ibid.* v. 215, and Parry, *Parliaments and Councils*, 184, for another instance in 1449.

[6] *Report on the Dignity of a Peer*, iv. 869 ff.; *Nicolas*, iv. 67. Cf. what was regarded as a model writ by Occleve, MS. Add. 24062, f. 5.

[7] *Nicolas*, i. 18; iv. 4; vi. 345; *Cal. Pat. Hen. IV*, i. 369; iii. 153; *Rot. Parl.* iii. 52 (9), 54 (14). This and the three preceding notes could be considerably extended by other instances.

[8] *Nicolas*, i. 283-7, etc.

[9] *E.g.* a bill to incorporate Plymouth; Chanc. Council and Parliament, file 23/7.

from a number of petitions which bear endorsements such as this:—

'Concessum per Parliamentum apud Leycestriam.
JOHAN J. EBOR. CANC. P. ELIEN.
T. DUNELM. TYPTOT. J. BATHON.
CROMWELL."[1]

Precisely the same relationship existed between the council and the great council.[2] Probably in most cases the great council was called on the advice of the continual council,[3] which also prepared its agenda,[4] and at times, we may suspect, helped it to a decision,[5] besides authenticating its acts in the manner just described.

These are only some out of many instances, which all indicate a considerable amount of inter-penetration by all three bodies. Moreover, in point of actual composition, the great council and continual council at times seem identical, but still we cannot say that they are the same, even in such circumstances, for the two bodies are referred to by contemporaries as being quite distinct. To describe the constitutional place of several institutions, each of which exhibits every sign of self-consciousness, regarding the others as quite external to itself, and pursuing a policy of its own, and yet which are at the same time inextricably entangled in all directions, is no easy matter, when one has to use modern words with their clearly defined associations.

It must have been a very different state of mind from that of the modern age which could create and use such

[1] Council and Privy Seal, file 47 (July 27, 1426). Several others are in Chancery, Warrants, Series i., files 1540-48. Cf. *Nicolas*, iv. 76.

[2] *Cf. Nicolas*, iii. 95-6 (original in Council and Privy Seal, file 41, May 19); MS. Add. 4603, ff. 208-9 b.

[3] *Nicolas*, i. 179, and other instances.

[4] *Ibid.* 107-11, etc.

[5] The large grant to Gloucester was perhaps settled on November 28, in a full meeting of the continual council (*Nicolas*, iv. 104), though the result was formally announced in the great council on the 29th (*ibid.* 105). Cf. Devon, *Issues*, 414.

machinery, and it is only in reconstructing the political ideas of the time that we can hope to find the spirit which worked within so strange a frame. By 'political ideas,' moreover, we must understand not so much the formal theories of the schools, as those vague, hazy notions of the clerk in the office and the baron at court, which, in the Middle Ages, probably had more direct influence on the moulding of the constitution than had the learning of the philosophers. By the nature of things, it is only very rarely that we get a hint of what is working in the minds of public men whose labours ceased over four hundred years ago, but when we do, the result cannot but be of fascinating interest. A case in point is the rancorous manifesto[1] issued by the Duke of Gloucester in 1440 against his inveterate foe, Cardinal Beaufort. When Henry V let Beaufort accept the cardinalate, said Gloucester, it was only with the intention of keeping him in Rome as English agent, 'and not to abide in this lande as eny part of youre counsaille, as be alle other lords spirituell and temporell at the parlements and greet counsailles, whan youre liste is to calle hem'. In this phrase Gloucester enunciates an idea which must have been unexpressed in the minds of many of his contemporaries. All lords spiritual and temporal, we are told, whether in parliament or great council, are nevertheless still part of the King's 'counsaille'. Similarly, another phrase mentions the 'Grantz du Parliament et autres du Conseil du Roy'.[2] This is surely evidence of a hazy element of 'counsel' which is wide enough to include parliament and great council, as well as the continual council, and unite them all in the common relationship of counsellers of the King. In this principle is a basis for that unity which has been so strongly felt in studying mediæval institutions. We cannot call it a unity of form, saying on the strength of statistics of at-

[1] Stevenson, *Letters and Papers of Henry VI*, II, ii. 442.
[2] Ancient Petitions, 10464; cited by Baldwin, *The King's Council*, 243.

tendances that there is only one king's council, and denying the separate existence of the great council, but we can safely call it a unity of spirit, insomuch as continual council, great council, parliament, and a number of lesser bodies all owe 'counsel' to the King.[1]

The government lay in the hands of a circle of clerks, courtiers, and nobles who formed a body of a very indistinct and nebulous nature; several points of greater brightness and clearer definition can certainly be discerned within it, but we must remember that they are set in the midst of a tenuous medium which binds them together to a degree altogether indeterminate, and that these *nuclei* themselves are amorphous in the extreme, fading imperceptibly away into the surrounding haze. So, out of the elastic group who owed 'counsel' to the King, some would draw closer together for a time, and having fulfilled their purpose, disperse. Practically the same men may meet with a different intention on another occasion, giving one the impression of a different institution, and then they, too, are resolved into the mysterious 'counsaille'. Thus we may find the rarefied council condensing at various times into the 'continual council,' the 'great council,' the 'council of the parliament,'[2] the 'parliament of the council,'[3] and so on. In certain cases the frequent repetition of similar processes has given us fairly well-defined institutions, as the continual council, the great council, and the parliament, but in the fifteenth century all three retain enough anomalies to remind us that they are still influenced by their earlier history, and still 'part' of the much wider 'counsaille'.

[1] As a rule, in fifteenth-century MSS. *consilium* serves for all purposes. The earliest instances of the use of *concilium* I have noticed are from the pen of Thomas Kent, who was clerk of the council for some years; they are to be found in Council and Privy Seal, file 72 (Feb. 13 and 27, 1444). In the first of these it seems that *consilii* has been altered to *concilii*.

[2] *Nicolas*, iv. 120.

[3] 'Convocavit regni proceres ad Consilii Parliamentum,' *Walsingham*, ii. 264.

The general character of the continual council has now been shown from Fortescue's tract, while the influence of the little-studied great council has also been briefly traced from such of its acts as can be found. Then, too, their close intimacy has been exhibited and ascribed to the notion that the King could command 'counsaille' from a very wide circle of men, and that all organised councils were equally parts of this indefinite class of counsellors. The general proposition of the council's vast power is established, but the source of that power has not been fully examined. It is here suggested that the main basis of the council's strength is to be found in the mass of technicalities governing seal-procedure. The immense significance of the seals in constitutional history can hardly be realised as yet, until the field has been systematically explored; much more than a mere picturesque prototype of 'red tape,' they were the very pivots upon which the wheels of state revolved, and it may be suspected that they were the subject of more than one constitutional struggle of which the books say nothing. A sure index of their importance is afforded by the rapid rise of their holders to positions of the first rank in the state. The clerk who held the King's seal became the later Chancellor, enjoying by his office unrivalled power and wealth. Similarly the 'Clerk of the Privy Seal,' by the beginning of the fifteenth century is called the 'Keeper of the Privy Seal,' and well before the century is out he is 'My Lord Privy Seal,'[1] drawing a handsome salary of £365 per annum.[2] Then there was the Secretary, who, though rather obscure at this period, eventually wielded the King's Signet to such good purpose that he became a Secretary of State. To hold a Royal Seal evidently meant vast possibilities in political development. As a result of their

[1] *Nicolas, Proceedings and Ordinances of the Privy Council*, v. 28, 29, 40, where the title is applied to William Lyndwoode. The regular use of the style became settled under the Tudors.

[2] *Cal. Pat. Hen. VI*, vi. 65.

increasing importance, each of these dignitaries in turn followed the usual tendency of bureaucrats, by trying to arrange that as much of his office's work as possible could be carried on by subordinates without his constant personal intervention, he himself being left free for more responsible affairs. Of the Chancellor's many functions, that of preparing and sealing acts of state was most easily adapted to this end, and so the routine of the Chancery began to expect a written warrant which would justify its issue of the great seal as a matter of course, thus removing the responsibility for the act from the Chancellor, and placing it upon the official who drew up the warrant. This, of course, was the Keeper of the Privy Seal, and by the beginning of the fifteenth century the privy seal was the most usual approach to the great seal. This alone would have virtually transferred to the privy seal a considerable amount of the power exercised by the older instrument, but there was another contributory source almost as great, derived from an ordinance made in 1338, which forbids the payment of any sum from the public funds by Exchequer officials, without a sufficient writ under the privy seal, or in cases of emergency, a warrant signed by the councillors, which was to be subsequently ratified by privy seal.[1] By the opening of our period, therefore, both the application of the great seal, and the issue of money from the Exchequer, were controlled to a considerable extent by the privy seal. As may be expected the Keeper's importance rapidly increased; he was the most constant attendant at the council, which now frequently entrusted him with delegated authority,[2] while clerks from his establishment were assigned to do what clerical work the council required—and he, too, desired to organise

[1] *Rymer* (*Record Edn.*), II, ii. 1049-50.

[2] Examples are in *Nicolas*, i. 14 d, 76; iii. 193. In 1424, owing to his prolonged absence on other business, the Keeper executed a general warrant for the acts of Robert Fry, who was to hold the seal in his stead. Public Record Office, Exch., T.R., Council and Privy Seal, file 44 (Feb. 28).

his office, and to substitute routine for personal supervision, by requiring, like the Chancery, some warrant before affixing the privy seal. Whoever could become the recognised means of moving the privy seal, could also thereby direct its authoritative commands to the Chancery, and through the Chancery, could dispense the immense Royal patronage, lay and ecclesiastical, which was one of the chief perquisites of office. It was in fact this which lay at the root of the whole matter; Fortescue tells us how hosts of offices were regarded as the natural rewards to be distributed among those who had influential friends to procure them, and it was over this division of the spoils that the crown and council so often disagreed. As far back as the middle of the thirteenth century, the council had formally claimed to control the great seal,[1] and it was exactly the same issue involved in the question as to how the privy seal was to be procured. The council claimed that nothing should pass the great seal unless it had already passed the privy seal, and that nothing should pass the privy seal except what the council chose. The crown, on the other hand, attempted to procure the great seal directly by the signets (over which the council had no effective control) and, as the Chancery's extreme reluctance made this difficult, to force the privy seal to accept without question the signet or the sign-manual as a sufficient warrant. The varying fortunes of the conflict can be discerned, with some difficulty, in the long series of ordinances governing council procedure which are to be found at various dates among the Proceedings of the Privy Council and on the Rolls of Parliament.

The circumstances of Henry IV's accession undoubtedly placed him at a disadvantage at the outset, and the Council accordingly took an independent attitude; of the warrants preserved by the privy seal office, it seems that almost all were executed by the Council,

[1] Provisions of Oxford, *Del Chanceler*.

a clerk having endorsed them with a statement of its assent and a list of those present. But although the council's right to move the Privy Seal was so well established, the King still exercised a concurrent power by ordering the Chamberlain to sign documents, adding *Le Roy lad graunte*, or words to that effect, and possibly also used the signet—which was still a private rather than a public instrument—instead of the privy seal for giving executive orders to various officials. What was said about the matter at the time we shall probably never know, but it is certain that the King had to sustain a heavy defeat with as much grace as he could, for in May 1406 he had to concede that all bills endorsed by the Chamberlain or Under-Chamberlain, all documents under the signet, and all orders to the Chancellor, Treasurer, Keeper of the Privy Seal, and all other officials, whether under the signet or not, should henceforth be made only by the advice of the council.[1] The council had taken up a position which contemporary opinion itself might have regarded as extreme, while it may be doubted whether the council had adequate means of controlling the King's actions to the extent contemplated by the ordinances. Be this as it may, it is quite clear that bills signed by the Chamberlain are numerous at this date, although the council's concurrent powers are also well-attested in the files. The rest of Henry IV's reign is devoid of incident, and apparently the King's broken health rendered him unwilling to renew the struggle for powers he was too infirm to wield.

Henry V seems to have sought release in war from an over-officious civil service, and his reign shows no trace of the renewal of the controversy. It is most likely that his pre-occupations in France afforded the council a fairly free hand at home, but on his unexpected death the whole situation suddenly changed. The new King was only an infant, and the council beheld a tempting

[1] *Rot. Parl.* iii. 572-3.

prospect of future power. The Duke of Gloucester, as Protector, certainly made some attempt to take up the crown's cause against the council, and even succeeded for a time in making his signet procure the privy seal,[1] while it may be also due to his insistance that it was ordained in parliament that the clerk should write on each document the names of those who passed it,[2] which thus helped to impress upon the individual councillors some sense of their responsibility; nevertheless, the Council claimed and obtained the disposal of the more important offices and all the feudal casualties,[3] and was unquestionably the dominant factor in the situation. In 1424 it was further ordained that Gloucester was not to grant offices, and that all who assented to a 'bill' should sign it with their own hands,[4] and hundreds of autographs of Bedford, Gloucester, Beaufort and the rest testify that this rule, originating perhaps with Gloucester, was faithfully observed. After this, no important change upon the subject was made during the King's minority, the foregoing regulations merely being repeated several times.[5]

The Council was now enjoying the power it had won, and the frequent denouncements of corruption, abuse of official privilege, perversion of justice, harbouring of criminals, and maintaining of quarrels by councillors, give reason to suspect how unworthily they discharged their trust.

Amid such rampant malversation, it is impossible to believe that Bedford was indifferent; his prolonged absences in France, however, prevented him from forming a continuous policy, and the most he was able to do

[1] *Nicolas*, iii. 15.

[2] This is a reversion to the Council's practice under Henry IV, which, however, was modified under his successor, the list of names being generally omitted from the endorsement.

[3] *Rot. Parl.* iv. 176 (29); *Nicolas*, iii. 17-18.

[4] *Rot. Parl.* iv. 201 (17); *Nicolas*, iii. 149-50.

[5] *Rot. Parl.* v. 407; iv. 343; *Nicolas*, iii. 213-21 iv. 59-66.

was to wring a slight concession from the council under an ordinance made in 1433, whereby they were to acquaint him with their nominations to the more important offices, and were even to consult him on conferring bishoprics.[1] It was not until the King assumed his powers, however, that the council's position was seriously challenged, and it is most unfortunate that the records of his policy are so meagre. If the whole truth were known, we might find that we had under-estimated Henry VI's energy; certainly the conflict was waged with great vigour by the King, who in 1437, while still a boy, began to make his power felt. In appointing a 'privy council' he expressly reserved to himself the granting of offices, collations, and pardons, forbade them to conclude important business without his advice, and in cases of disagreement in the council, took it upon himself to form the decision.[2] The warrants in the Record Office prove that Henry could substantiate his claim. Bills signed by the councillors are not so frequent from this date onwards, while on the other hand novel forms of warrant were forced upon the Privy Seal Office, which now had to be content with an endorsement testifying the King's pleasure that letters of privy seal be made, authenticated by the signature of a clerk, such as OSBERN, or more often, ADAM MOLEYNS; occasionally a witness is mentioned, but we hear much less of the council expediting business, while, deeply significant of the change is the presence of the Royal Sign Manual on scores of documents, which, it may be conjectured, were afterwards sealed with the signet as a cachet. The council's reverse was signalised in a fresh code of regulations,[3] which most unfortunately cannot be dated with certainty, but the contents indicate that they were drawn up about the years 1440-3. The council recognised that the King, by sign-manual, or by the signature

[1] *Rot. Parl.* iv. 424 (3, 5). [2] *Ibid.*, v. 439 a.
[3] *Nicolas*, vi. 316-20.

of the Chamberlain, could move the signet at his will, and that the privy seal could not be refused on the production of a signet bill; nevertheless, the council tried to hide its defeat behind a mass of details about witnessing the Royal Sign-Manual, which really did nothing to alter the situation, and even attempted to interfere with the Signet Office by ordaining that they should keep all their warrants, and possess copies of all the documents they passed. It is very improbable that these clauses had any effect. The King had clearly won at the signet, but as we shall see, the council was prepared to make a stand at the privy seal. The King might, and did, grant bills by the sign-manual on his own authority, and undoubtedly the secretary was in no position to refuse the signet to any bill that bore the King's mark; but when the signet-warrant comes to the Privy Seal Office, it is no longer in the King's but in the council's sphere of influence, and so the council, although they expressly admitted that the privy seal was normally commanded by the signet, still clung to a mere remnant of their former power, and bravely undertook to arrest a bill at the privy seal if it did not seem to them politic to allow it to travel further along the perilous path to the Chancery. The ordinance tells us how it could be done:—

'Item that the Kepere of the prive seal, what tyme he receyvethe lettres under the signet, shall, if it be thought to him that the matere conteyned in the same be of greet charge, have recours to the lords of the Counsaill and open to theim the matere, to thentente that if it be thought necessarie to theim, the King be advertised therof or it passe.'

It is hard to believe that the council meant this threat seriously, and it is much more probable that it was only an angry outburst by men who felt their position rudely shaken. Any doubt that still remained as to where the victory lay was soon removed by the King's triumphant

edict of 1444. He had already freed the signet, and forced the privy seal to obey its warrants, and only the great seal remained. The Chancery had kept out of the conflict by resolutely demanding (for ordinary purposes) a privy seal as warrant; even in certain matters of course, such as where the seal of the Treasurer usually procured the great seal directly, we sometimes find that the Chancellor had referred the warrants to the council, who expedited them in their own way by endorsement and thence through the Privy Seal Office; occasionally, it is true, we find both royal and conciliar immediate warrants on the Chancery files, but they are not numerous. The King now formally ratified all those warrants which the Chancellor had so far only accepted with reluctance, by assuring him that all grants made from the tenth year of the reign until then, by virtue of bills under the sign-manual, Signet of the Eagle, or Signet of Arms, as well as those signed by the Chamberlains and clerk of the council, were as legal as if the Chancellor had had a privy seal warrant, any statute, charge, restraint, act or commandment to the contrary notwithstanding.[1] This declaration, dated November 7, 1444, was placed on the Patent Roll of the year, and may be regarded as closing the conflict, and the warrants to the privy seal which still remain show how quickly the council lost its grip of the administration. For the second half of the century, the crown, whether Lancastrian, Yorkist, or Tudor, jealously retained its own patronage for its own disposal, and the council had perforce to resign the spoils it had so long exploited, and seek fresh fields of endeavour.

Matters could hardly have resulted otherwise, for the council was rapidly undergoing changes which rendered it unfit to control such vital matters as the bestowal of large numbers of offices; not only were the men who composed it personally avaricious and violent, but the

[1] *Cal. Pat. Hen. VI*, iv. 312-3; *Rymer*, xi. 75.

basic idea of the council was changing. Instead of a circle of men chosen by the King mainly on account of their probity and business skill, with just enough great names among them to give their meetings dignity, the council was now tending to consist mainly of magnates, with just enough professional civil servants to maintain the necessary routine. For a time they succeeded, but the scandals of their administration, and their own dissensions afforded the crown every opportunity of resuming its former powers, and we have seen how easily Henry VI entered upon his long-delayed inheritance, and how completely the council failed to justify or maintain its place at the centre of the administration.

By tracing these two lines of history it has thus been possible to illustrate the place taken by the continual council and the great council in Lancastrian politics; both clearly were influenced by the same two motives, namely, to enforce in a practical manner the dependence of the crown upon the magnates as a class, first in matters of general policy and finance, and secondly to secure an administrative position which would enable that class to exert a powerful influence in matters which had hitherto been the prerogative of the King, such as the distribution of rewards and offices. The first was effected by means of the great council, though necessarily only by occasional intervention; the second by the steady pressure of the continual council in the struggle for the seals, its own composition, moreover, throughout this period tending towards an increasing proportion of great lords. Henry VI's reign represents the zenith of this dual policy, and it was not until about 1436-7 that Henry VI could begin a spirited contest for his patrimony. He was strong enough to deliver a decisive defeat to the continual council, and it never recovered in his reign, or subsequently, its former control over the vital points of seal-procedure. While this was in progress, however,

the other issue of King *versus* Great Council was becoming more complicated by the successive degeneration of both protagonists; the great council first succumbed to the disintegration of the class it represented, and through the dissensions—even to the extent of armed conflict—within its ranks, was soon unable to offer an opinion or to pursue a policy. If Henry VIII had been King in 1450, commanding a position so firmly founded on prerogative and precedent, we might guess what would have happened, but the crown's opportunity was lost through Henry's own misfortunes; his personal affliction, indeed, may have been amply counter-balanced by the disorder in the baronial ranks, but his birth was fatal. The advancement of the Yorkist title cut the ground from under his feet; because he could not claim to be the undoubted representative of the kingship, so the ancient feud of crown against baronage was never fought out on a straight issue. Nevertheless, the crown won. Great councils and parliaments are both rare under the Yorkists and the first Tudor, and when they do meet, are uneventful; the continual council survived also, but the warrants for the privy seal have little to show of its work—instead there are sign-manuals everywhere. It is difficult to find it at all;[1] although many men are described as councillors,[2] the council in its political aspect had practically ceased, and if we seek the lineal heir of the Lancastrian Council, we must look, not to the Privy Council of the next century, but to the Star Chamber.

This brings us to the consideration of the place of these institutions under the Yorkists, the last and perhaps the most difficult of all the questions raised in this paper. Great councils are rare and obscure; as for the continual council, there is a great diminution of sources on all sides, and council documents are very scarce indeed. The archives preserved in the office of the privy seal

[1] A. F. Pollard, *Reign of Henry VII from Contemporary Sources*, iii. 314.
[2] *Ibid.* in *Engl. Hist. Rev.* xxxii. 455.

are scanty and consist mainly of warrants under the sign-manual, but then the Patent Rolls are meagre also. There is, however, reason to believe that many instruments formerly under the privy seal, were now passed under the signet, which certainly executed a great amount of business,[1] and some may have been expedited by the council, but this is very doubtful. That there was a council still is evident from what scraps of material yet survive, while from one or two lists that are extant, it seems to have been of considerable size—as many as fifty or more names may be found.[2] For the whole of Henry VII's reign, and part of the next there was a Book of Entries which has vanished since the eighteenth century, and is now only known from the notes and extracts[3] made by Madox and other antiquaries who were interested in the Court of Star Chamber, and regarded it as that court's Decree Book. There is reason to believe that the original was in Latin—for extracts in this language sometimes occur, accompanied by a translation,[4] while more important still, we read such things as 'The Maiour to be Comoned with by the Lords att the ffryars att afternoone; . . . a Bull to be translated into Englishe by my Lord of Lincolne'.[5] This and a few similar phrases suggest that the original was more probably a memorandum book of the council, which contained many more such entries of a purely administrative nature, which were omitted by the transcribers as not germane to their subject. The council certainly met very frequently during the fifteenth century in the Star Chamber, and the mere occurrence of these words would be enough to catch the attention of these searchers.

The council was certainly undergoing a fundamental change in orientation. Its administrative activities seem

[1] The great bulk of MS. Harl. 433 is very suggestive.
[2] *Above*, p. 185, n. 2.
[3] MS. Add. 4521; Hargrave MS. 216 and others.
[4] MS. Add. 4521, f 106 b, for example.
[5] *Ibid.* f 105 b (1 Hen. VII).

considerably curtailed, and slowly but steadily it is becoming confined to 'billes betwix partie and partie,' and thus its old room, the Star Chamber, is taking a new significance. The details of the change are now forgotten, and few sources seem likely to elucidate the process, but certain it is that the King's Council is gradually becoming the Court of Star Chamber. What happened to its former mass of administrative work, is a mystery; some of it was still done during the transition, but in the reign of Henry VIII we first meet the new body which was to take up the task. The PRIVY COUNCIL, as it came to be called, had a very obscure genesis, and does not become prominent until after our period; but even then it is important to notice that it had to acknowledge the greater age and superior dignity of its elder brother, the King's Council, or as it was now styled, the Court of Star Chamber. When Burleigh made a speech in the Star Chamber he 'declared before all the Presence, that the same Court was the Councell of State of this Realme, and the Clerke thereof the onely Clerke of the Councell of State, and Clerke of the Councell of England, and that there was noe other Clerke of the Queenes Councell of State, but onely the Clerke of this Courte, And that the others were Clerkes of the Privy Councell attendant upon her Majesties Royall person, and those other Clerkes were to attend at the Councell Table'. Then again, the Clerk of the Star Chamber 'was first Clerk of the Council in place, being so created by the Heralds at Queen Elizabeth [*sic*] passing through the City of London to St. Paul's in the year 1588 to give Almighty God thanks for the conquest of the Spanish King's navy'.[1] Evidently the King's Council in the Star Chamber and its officials were well aware of their ancient ancestry stretching back through the Lancastrian age to even remoter times, and regarded the Privy Council and its Clerks as *parvenus* whose newer dignity was always to

[1] Scofield, *Star Chamber*, 62.

be shown by their lower precedence. Another indication that the Star Chamber was the heir of the mediæval council is seen in the fact that just as the peers had claimed to be *consiliarii nati*, so, as late as Stuart times, they continued their claim to be present, not in the Privy Council, but in the Star Chamber.[1] A still more remarkable phrase in the speech of Burleigh just cited is that in which he reproves a barrister who wished to follow the Common Law rules of pleading, by telling him that 'the same Courte is the great Councell of the King. And that at all tymes since there was a king of this Realme his greate Councelle might decide all offences complayned of before them' without strict pleading,—'yea, and many tymes without pleading at all'.[2] This gradual change in the council's orientation undoubtedly took place in the half-century between the accessions of Edward IV and Henry VIII, but the details of the process are even more obscure than the rest of its history—save only, perhaps, the few years immediately following the Yorkist revolution. Notwithstanding the greater definition which is found in the middle of the century, at its close we are suddenly confronted by a phenomenon which can only be described as a reversion to type—that vague, elastic type we have already noticed, consisting of an indefinite class of men who had no organisation, no corporate existence, no bond of union whatever, save the shadowy *nexus* of 'counsel'. The younger Yorkist monarchy took 'counsel,' we may be sure, but whence, and how? The old Lancastrian institution seems to have become vaporised, so to speak, and after a short existence in this intangible state it gradually condensed again, still in the Star Chamber indeed, but amid new conditions which produced such profound differences, that we can only follow with the greatest difficulty the last change in the place of the council in our period, and then it is indeed

[1] Hudson, ap. *Collectanea Juridica*, ii. 25.
[2] MS. Harg. 216, ff. 173 b-174.

a remarkable paradox; contemporaries all agreed that lack of firm governance was its besetting sin in Lancastrian days, but when it appears the second time in its ancient haunt, it is so purged of its former failing that the feeble council of Henry of Windsor is re-incarnated as the terrible tribunal of Henry Tudor.

The crowded century which separates the reign of Henry IV from that of Henry VIII has many sudden changes to record bearing emphatic witness to the importance of the council in its various aspects. The story of the long conflict concerning the seals exhibits for the first time the details of a determined attempt by the continual council to control the national administration, while the reasons for its failure have been found in the inability of the leading barons to forget their own interests in the exercise of the Royal patronage. The great council's history, moreover, runs a parallel course, while the intimate relations between it and the continual council show how closely both co-operated in the baronial policy of converting England into a virtual oligarchy. The council's position was clearly the political and constitutional aspect of the social conditions of the age, and from this circumstance it derived both its strength and its weakness; so strictly dependent, in fact, was the council's position upon the social structure of Lancastrian England, that it could not survive the passing of the old order, but vanished so completely as to leave its successor only a dim tradition of its ancient greatness.

# THE SYSTEM OF BRITISH COLONIAL ADMINISTRATION OF THE CROWN COLONIES IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES COMPARED WITH THE SYSTEM PREVAILING IN THE NINETEENTH CENTURY

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By H. E. EGERTON, Professor of Colonial History in the University of Oxford

The most learned of historians would find it difficult to add much to the sum of knowledge in treating the subject of my paper. That subject is the comparison between the administration of certain colonies in the seventeenth and eighteenth centuries and their administration in the nineteenth. The question is why, whereas in most colonies there has been steady progress from representative to responsible government—Lord Blachford was clearly wrong when he seemed to imply that Crown Colony government was the necessary preliminary to both these—in the West Indies, on the other hand, the tendency has been in the opposite direction, viz. from representative to Crown Colony government.

In order to understand the problem it is necessary to bear in mind the circumstances in which the English Colonial Empire took its rise.

Whatever may have been the aspirations of Elizabethan adventurers and statesmen, it must, I think, be admitted that that Empire, as it ultimately developed, was first and foremost a business proposition. The English Government expected to obtain certain benefits

from the existence of plantations, and therefore it was its interest to confer certain privileges. I have used the word 'plantations'; and its persistenee clearly shows the kind of associations that were connected with the foundation of colonies. Men thought in terms of 'Colonies d'exploitation' and not in terms of 'Colonies de peuplement'; and, when a colony came into being, the exclusive purpose of which was a settlement of men, it was conceived and developed on lines hostile to the accepted notions of the time. It is only when we recognise that the action of the Stuart monarchy was simply the putting into force of the elementary principle '*do ut des*' that we find the key to the question, at first sight a little puzzling, why kings who disliked the interference of Parliaments at home should have been so lavish in their grants conferring representative Assemblies in the colonies? Such concessions may have been, indeed, to some extent contemptuous. The rule 'de minimis non curat lex' may have seemed to apply; and no one at the time, assuredly, would have ventured to prophesy that the day would come when such Assemblies as these would claim to confront with an equal voice Crown and Parliament. Still the prevailing argument in favour of the grant of representative Assemblies was that without such grant the essential supply of settlers could not be obtained, without whose presence any grant to individual or chartered company must remain an empty formality. You know doubtless how hard a task it proved to secure in the seventeenth century a population for the new possessions. Preachers and pamphleteers might talk to their fill of the advantages to be derived from colonies as outlets for surplus labour; but in sober fact labourers of the right kind to act as pioneers were few and far between; and without the political and religious incentives supplied by the progress of events at home, it is very probable that the first English Colonial Empire would have foundered on the rock of a lack of sufficient population.

Be this as it may, it was from the first recognised that it was not enough to offer inducements to individuals or corporations to found Settlements, the actual settler must also be attracted. For this purpose it was found necessary to put in the forefront in any scheme of colonisation the offer of representative institutions. From the point of view of the time all colonies stood on the same footing, and distinctions arising from a difference of climate or environment were, as yet, unknown. In the beginning of Barbados there was some dispute over the rival claims of Lord Montgomery and Lord Carlisle; and when the matter was settled by the triumph of the latter, we find in his Grant of July 2, 1627, the following significant words: 'We . . . have authorised the said James Earl of Carlisle . . . for the good and happy government of the said province, whether for the public security of the said province or the private utility of every man to make, erect and set forth . . . such laws as he . . . may enact with the consent, assent and approbation of the free inhabitants of the said province or the greater part of them, thereunto to be called and in such manner, as he or they in his or their discretion shall think fit and best. And these laws must all men for the time being that do live within the limits of the said province observe.'[1]

It must be remembered that in the seventeenth and eighteenth centuries the white population of the West Indies continued to be recruited from very different material from what it for the most part is to-day. We all remember Clarendon's description of the royalist emigration to Barbados, and there is no reason to doubt the general accuracy of Bryan Edwards when he wrote: 'The advocates of loyalty sought refuge chiefly in Barbadoes and many of the adherents of Cromwell after the Restoration of Charles II found protection in Jamaica.

[1] Quoted by Bryan Edwards, *The History of the West Indies*, 2 vols. 1793. Vol. i. p. 330 note.

At present' (he is speaking of the last decade of the eighteenth century) 'among the numbers whom accident or choice conducts to the British West Indies the juniors in the learned professions of law, physic and divinity constitute no inconsiderable body. . . . The British Navy and Army likewise contribute considerably to the augmentation of the white inhabitants. . . . Next to these may be reckoned the mercantile part of the inhabitants, such as factors, storekeepers, book-keepers and clerks; who are followed by tradesmen and artificers of various kinds, such as millwrights, carpenters, masons, coppersmiths and others; most of whom, either through accident or necessity, after some years residence become adventurers in the soil. Then come the husbandmen, who are . . . managers, overseers and plantation book-keepers; and they constitute a numerous body of people.'[1] Bryan Edwards notes as characteristic of a slave-holding white population 'an independent spirit and a display of conscious equality throughout all ranks and conditions'.[2] The poorest white seemed to consider himself nearly on a level with the richest, and approached his employer with extended hand and a freedom unknown in Europe amongst men of different classes. He calls in aid the memorable passage of Burke which describes freedom in countries where slavery prevails as a kind of rank and privilege. We are told that the climate itself by increasing sensibility created an impatience of subordination.[3] Assuredly anyone who has read through the volumes of the *Colonial Series* of the *Calendar of State Papers* will have remarked the manner in which Governors are found affected by attacks of violence that suggest complete want of mental balance. In the population returns the leading feature is not so much the diminution in the white population—in 1871 the figures given for Barbados were slightly in excess of the figures at the end of the eighteenth century—but the great in-

[1] *Op. cit.* vol. ii. pp. 4-5. [2] *Ibid.* p. 7. [3] *Ibid.* p. 8.

crease in the black population; whereas Bryan Edwards gives it as about 62,000 it had increased in 1871 to some 135,000.

Enough has been said to show that the problem of colonial government in the seventeenth and eighteenth centuries was altogether different from what it became in the changed conditions of the nineteenth century. To the statesmen of the seventeenth century, it being settled ground that the province of the executive and the legislative should remain rigidly distinct, the aim naturally was by the procuring of a permanent revenue to prevent such invasions of the power of the executive as might be made by the legislature, if it had the full control of the public purse. If Charles I, by means of tonnage and poundage and ship-money could have secured a sufficient revenue apart from the votes of Parliament, parliamentary government might never have been achieved. Similarly, the squalid controversies in eighteenth-century Massachusetts and New York over the subject of the Governor's salary acquire meaning and dignity when we realise the real question at issue in all these petty squabbles. In some of the West Indies, however, the way was made comparatively easy for the Crown by extraneous circumstances. It is unnecessary for my present purpose to go into the details of the conflicting grants of Barbados and the other Caribbean islands to Lord Carlisle and to Lord Pembroke. It is enough to remind you that Lord Carlisle's patent being held good, under which the settlers were liable to a payment of 40 lb. of cotton per head to the proprietor, the Crown did away with the interests of Lord Carlisle in return for a fixed revenue derived from a $4\frac{1}{2}$ per cent impost or custom upon all dead commodities of the growth or produce of the island that should be exported. The settlers, many of whom were exiles because of their loyalty, naturally grumbled at an arrangement which satisfied every interest except their own; and resented a contri-

bution which they maintained would amount to 10 per cent on the net profits of their estates for all time; but they were powerless to make good their objections; and accordingly passed the law submitted to them, though doubtless in no very thankful mood.

With this grant of a permanent revenue Barbados disappears as a protagonist upon the colonial constitutional stage, though not a little might be said regarding the uses to which this revenue was put. Henceforth Jamaica takes the leading place in the constitutional disputes of the time. That island, although a trophy of the Cromwellian régime, received very favourable treatment at the time of the Restoration. Its inhabitants were promised the same privileges to all intents and purposes as free-born subjects of England, and the Governor was instructed to call a representative Assembly that they might pass laws for their own internal regulation and government. In May, 1673, under the Government of Sir Thomas Lynch, a serious quarrel broke out between the Assembly and the home authorities which lasted for some years. The immediate cause of trouble was the refusal of the Assembly to vote money for the fortifications. Meanwhile successive bodies of laws had been passed in the colony none of which became operative, through not receiving the royal assent within the prescribed period of two years. In 1677 the home Government sought to cut the gordian knot by a change in the constitution. Henceforth an Assembly was not to be called without the special leave and directions of the Crown, an exception being made in the case of invasion. A body of laws was prepared by the Privy Council which the new Governor, Lord Carlisle, was to carry out with him and to offer to the assembly of Jamaica for their consent. Lord Carlisle reported that the Assembly being most dissatisfied at the new form of government and losing their deliberative part of power in altering and amending laws, they would not pass one of them, but

threw them all out.[1] The proceedings of the Assembly had been so cross-grained that they had thrown out all the Bills he brought under the Great Seal. The disgust to the new form of government occasioned it. The dilatoriness of passing laws in a new colony was 'a sting' which Carlisle recognised ought to be altered.[2]

In a petition to the Governor the Assembly protested that this method and manner of passing of laws being absolutely impracticable would not only tend to the discouragement of the present planters but would likewise put a very fatal stop to any further prosecution of the improvement of the island 'there being nothing that invites people more to settle and remove their family and flock into this remote part of the world than the assurance they have always had of being governed in such manner as that none of their rights should be lost, so long as they were within the dominions of the Kingdom of England'. According to them the distance of Jamaica from England rendered the provisions of Poyning's Law for Ireland wholly inapplicable to its case. It was no small satisfaction that the people by their representatives should have a deliberative power in the making of laws; the negative and barely resolving power being not according to the rights of Englishmen.[3] Amongst the laws which the Assembly was expected to pass *en bloc* was one for raising a perpetual public revenue. In a remonstrance they protested that 'had their lordships known how great sums of money have been raised here, and how small a part hath been applied to His Majesty's service for the defence and strengthening the island, we humbly conceive their lordships would have been of opinion that we have no reason to bar ourselves for per-

[1] *Cal. of State Papers, Col. Series, Am. and W. I.* 1677-80, p. 300.

[2] *Ibid.* p. 301.

[3] The petition is set out in full in Bryan Edwards, *op. cit.* vol i. pp. 275-6. Appendix on *Historical Account of Constitution of Jamaica*, by Gov. Lyttelton.

petuity and pass the said act without limitation of uses or time'.[1]

It must be confessed that the Privy Council did not cut a very dignified figure in the controversy. They professed the most exalted doctrines with regard to the royal prerogative; and yet we find them in the end making an abject surrender. Consider this grandiloquent assertion of the royal prerogative. 'For, as they cannot pretend to farther priviledges than have been granted to them either by charter or some solemn act under your great seal, so having from the first beginning of that plantation been governed by such instructions as were given by your Majesty unto your Governors, according to the power your Majesty had originally over them, and which you have by no one authentic Act ever yet parted with, and having never had any other right to assemblies than from the permission of the Governors, and that only temporary and for probation, it is to be wondered how they should presume to provoke your Majesty by pretending a right to that which hath been allowed them merely out of favour, and discourage your Majesty from future favours of that kind; when, what your Majesty ordered as a temporary experiment, to see what form would best suit the safety and interest of the island, shall be construed to be a total resignation of the power inherent in your Majesty and a devolution of it to themselves and their will without which neither law nor government, the essential incidents of their subsistence and well-being, may take place among them'. (May 28, 1679).[2] The Privy Council were on firm ground when they animadverted upon the action of the Assembly in invading the prerogative of the Crown by ordering and signing a warrant upon the Marshal of the island, an officer of the Crown, for the stopping and preventing the execution of a sentence passed, according to

[1] The petition is set out in full in Bryan Edwards, *op. cit.* vol. i, p. 296.

[2] *Acts of the Privy Council, Col. Series*, vol. i. p. 832.

the ordinary forms of law, upon a notorious pirate and disturber of the public peace. In all disputes between the home authorities and the colonial assemblies in the seventeenth and eighteenth centuries it will generally be found that both parties to the dispute were to some extent in the right and both in the wrong.

Meanwhile the Privy Council recommended that one more Assembly should be called, and, in the event of the body of law being again rejected, that the Governor should be empowered to act as had been the practice at first after the conquest of the island, according to the laws of England when the different nature and constitution of the colony allowed the same; and, in other cases, to act with the advice of the Council in such manner as should be necessary and proper for the good government of the plantation until the further orders of the Crown. It would seem, however, that this drastic policy was far from commending itself to those who knew most about Jamaica. Lord Carlisle himself was converted to the Assembly's point of view, and told them that, if an emissary he had sent to England 'to negotiate the ancient system of making laws' failed, he intended to go himself.[1] In this state of things the Privy Council yielded; and a new Commission was drafted placing Carlisle in the same position as previous Governors. It is true that he was instructed to endeavour to procure the passing a revenue bill in such terms as would make it perpetual; but private instructions showed that the home authorities would be content with a revenue for a term of seven years.[2] Owing mainly to the tact and moderation of Sir T. Lynch, who had again been made Governor, the Assembly was induced, in 1683, to vote the revenue for twenty-one years 'in spite of the opposition of a troublesome faction'. 'The King,' Lynch remarked, 'will be so well pleased that he will make Assemblies as frequent as

[1] *Cal. of State Papers, Col. Series, Am. & W. I.* 1677-80, p. 407.
[2] *Ibid.*, 1681-5, p. 113.

Councils.'[1] In reading colonial history, what especially strikes one is the importance of the character of the individual Governor. Certainly in Jamaica the appointment of the worthless Duke of Albemarle was a curse to the colony. He fell under the influence of the drunken old reprobate Sir H. Morgan, whose repentance of his buccaneering past seemed to have been only skin-deep. Fortunately the Duke died in 1688 and the Deputy Governor was enjoined to pursue the methods of administration that had been followed by Sir T. Lynch.

According to a petition of planters and merchants trading to Jamaica, the once flourishing island was likely to be utterly undone by the irregularities of the needy persons that the Duke had placed in power. Many of the most considerable inhabitants were deserting it; others were under severe fine or imprisonment from little or no cause. All the most substantial officers, civil and military, had been turned out and necessitous persons set up in their room. The like had been done in the judicial offices. Councillors had been suspended without royal order and without a hearing. Several persons had been forced to give great security not to leave the island lest they should seek redress. Money had been raised 20 per cent. over its value to defraud creditors, and lastly the elections had been tampered with.[2] What wonder when this was so that a new Governor Lord Inchiquin (1691) reported that the leading colonists had said that 'they could get on well enough with one of their own people, but a strange Governor meant nothing but a contest between him and the people'.[3] To add to other difficulties Governors found in many cases the truth of Inchiquin's remark: 'People die here very fast and suddenly'.[4]

When we remember that Jamaica was almost ruined

[1] *Cal. of State Papers, Col. Series, Am. & W. I.* 1681-5, p. 522.
[2] *Ibid.* 1685-88, pp. 619-20.
[3] *Ibid.* 1689-92, p. 523.
[4] *Ibid.* p. 524.

by the great earthquake of 1692, and that already in 1694 there was the ominous event of a negro rebellion, it seems difficult to imagine how the colony found time for its incessant political controversies. It must always be remembered that the Constitutionalism, for which the Assembly was contending, was that of a narrow oligarchy. According to Francis Russell, the Governor of Barbados, the white servants in the island were domineered over and used like dogs;[1] though it is fair to say that he states that these white servants were given better encouragement in the other islands. In 1699 the agents of Jamaica declared that since the late war the island had lost half its people, by the earthquake, the invasion of the French, and irregular impressment by men-of-war. They laid their finger on a special plague spot of the West Indies when they asked that patents for the great offices should not be granted except to those willing to reside on the spot and execute them in person. Otherwise their substitutes were forced to extortion.[2]

In 1701 the controversy over the subject of a permanent revenue again broke out. The period for which the revenue had been voted in 1683 was drawing to its close. In 1688 an Assembly in the time of the Duke of Albemarle had voted a permanent revenue; but the circumstances connected with this Assembly had been so shady that the home Government had hitherto refrained from sanctioning any of its Acts. The home Government, however, now threatened that, unless the Assembly proved amenable, confirmation would be given to the Act of 1688. The Assembly was in no yielding mood, and the gallant old Governor, Sir William Beeston, found his last months of office embittered by petty disputes with the Assembly. He ruefully explained that 'they were stirred up to believe that what a House of

[1] *Cal. of State Papers, Col. Series, Am. & W. I.* 1693-6, p. 446.
[2] *Ibid.* 1699, p. 36.

Commons could do in England they could do here, and that during their sitting, all power and authority was only in their hands'.[1] The next Governor, General Selwyn, found the people 'very capricious, jealous and difficult to manage'.[2] Everything was in disorder and it was only the employment of martial law for seven months that had made life possible. A new Assembly took advantage of the financial straits of the island to impose a tax upon the office of Councillor. In spite of the perverse tempers and disunion of the people, the Governor, Col. Handasyd, obtained in 1703 the passing of a revenue act for twenty-one years. Handasyd wrote a little incoherently: 'But I thank God I think I have got that done which no Governor of Jamaica ever could accomplish before, altho' all the base methods have been taken . . . in making of parties and factions to obstruct the public good by which means they hope to make their own court for themselves and friends in obtaining the government that they may basshaw it over Englishmen as they do over their slaves and negroes, and like Judas, that betrayed our Saviour, still endeavouring to give me their advice, which, if I had taken I should have destroyed both H.M. interest and broke my own neck, but this has been the constant practice of the politicians of Jamaica since the settling of the English Government in it'.[3] In truth the Assembly does not cut a very fine figure in the records that have come down to us. During a time of war, and when owing to sickness, the devastations of the great earthquake and impressement, the white population was so reduced as to be scarcely sufficient to defend themselves against their own negroes, the legislature was busying itself in passing laws to prevent soldiers sitting in the Assembly, in refusing any allowance to the officers, and in declaring that no Councillor, judge, justice, or Assembly man could

[1] *Cal. of State Papers, Col. Series, Am. & W. I.* 1700, p. 424.
[2] *Ibid.* 1702, p. 180. [3] *Ibid.* 1702-3, p. 838.

serve in the militia. 'I do not know,' wrote Handasyd in 1708, 'what will be the event of matters here, a great part of our people being inclined to the "Vennerian". (Thomas Venner, a fifth monarchy plotter who was executed in 1661) 'faction and cannot endure kingly government; and except there be a chief-justice sent over here from Great Britain, who is a man of learning and will support the laws of Great Britain, I do not see that anything in our Courts will go right'.[1]

At last, however, in 1728, the British Government so far gained its point that a permanent revenue of £8000 was voted by the Assembly, the quit rents of about £1460 per annum being constituted part of such revenue. In return for this grant the body of the Jamaican laws received the royal assent; and all English laws that had been adopted in Jamaica were 'to be and continue laws of Jamaica for ever'.

Time forbids to enter into any detailed examination of the other islands; but the facts I have dealt with are sufficient to allow of certain generalisations. In principle the form of government was the same as that prevailing in most of the American colonies. There was a Governor, appointed by the Crown, in whose hands lay, according to English ideas, the whole executive power. There was a Council, which acted in a double capacity, as a second legislative Chamber, and as a Council to advise the Governor, and lastly there was an Assembly, thoroughly representative in character, which, as such, sought to draw into its net the whole system of government. Everywhere the mischief was manifest of granting virtual power while denying practical responsibility. The West Indies, however, different in this from their northern neighbours that, considering the growing numbers of the blacks whose interests were opposed to their own, their representative character became more and more a farce unless the slave population were to be considered

[1] *Cal. of State Papers, Col. Series, Am. & W. I.* 1706 8, p. 714.

outside the pale of human society. On the treatment of the slaves, hear the language of the writer of the *European Settlements in America*, written about the middle of the eighteenth century: 'The negroes in our colonies endure a slavery more complete, and attended with far worse circumstances than what any people in their condition suffer in any other part of the world, or have suffered in any other period of time. Proofs of this are not wanting. The prodigious waste which we experience in this unhappy part of our species is a full and melancholy evidence of this truth. The island of Barbados (the negroes upon which do not amount to eighty thousand), notwithstanding all the means which they use to increase them by propagation; notwithstanding that the climate is in every respect, except that of being more wholesome, exactly resembling the climate from whence they came; notwithstanding all this, Barbados lies under a necessity of an annual recruit of 5000 slaves to keep up the stock at the number I have mentioned. This prodigious failure, which is at least in the same proportion in all our islands, shows demonstratively that some uncommon and insupportable hardship lies upon the negroes which wears them down in such a surprising manner; and this, I imagine, is principally the excessive labour which they undergo.'[1]

It is only fair, however, to recognise that the West Indian planters found vigorous vindicators of their treatment of their slaves, amongst whom one of the ablest was the historian of the West Indies, Bryan Edwards. He was able to quote the Report of the Privy Council of 1789 which stated: 'Protection of the slaves made but a very small portion of their earlier policy. This branch has of late been taken up and express directions have been given to ensure to the negroes the enjoyment of many advantages tending to alleviate their condition.' He sets out in full the Consolidated Slave Act of Jamaica

[1] Vol. ii. pp. 124-5.

of 1792, which, on the face of it, seemed, in many respects, the Great Charter of the rights of the slaves. Still it is always dangerous for men to be judges in their own causes; and even in this, in some ways, enlightened Statute we find provisions against allowing slaves to travel without a ticket, against unlawful assemblies and negro burials at night time, which suggest the feeble foundations on which West Indian Society was based. It gives one an idea of the sympathies of the legislature when one finds that the penalty of death might be inflicted not only on a slave attempting to depart from the island but on any Indian, free negro, or mulatto who assisted such attempt. The penalty on a white committing the same offence was a fine of £100 and imprisonment for not more than twelve months. With all this, however, I have nothing to do except so far as it illustrates the gulf that was yearly widening between the manner of regarding the negro question that prevailed in the West Indies and in Great Britain.

Notwithstanding their position being that of a narrow oligarchy, the Jamaica Assembly was found putting forward the same pretensions as their American neighbours. In 1753 in a money bill they solemnly appointed another officer, instead of the Crown Receiver-General, to receive and issue the public moneys; and in some other bills they left out the clause suspending the execution of them till the pleasure of the Crown should be known. Upon the Governor refusing his assent to such bills they resolved that they had an undoubted right to raise and apply money for the service of the State and to appoint whom they pleased to receive and issue it. They further claimed that all laws and ordinances made by the Assembly to which the Governor had given his assent were immediately in full force and effect and continued to be so until they were disanulled by the Crown. A House of Commons Committee in 1757 found that the first claim of the Assembly was 'illegal, repugnant to

the terms of the Governor's commission, and derogatory to the rights of the Crown and people of Great Britain'. That the other resolutions proceeded on a manifest misapprehension of the King's instructions to his Governor, requiring him not to give his assent to any bill of an unusual or extraordinary nature or importance wherein His Majesty's prerogative or the property of his subjects might be prejudiced, or the trade or shipping of the Kingdom anyways affected, unless there should be a clause inserted suspending the execution of such Bill until His Majesty's pleasure should be known; that such instruction was just and necessary, and no alteration of the Constitution of the island, nor in any way derogatory to the rights of the subjects of Jamaica.' In this state of things it was no wonder that when the troubles occurred in the American colonies the Jamaican Assembly was found sympathising with their demands. The circumstances of the case prevented their intervention from possessing anything of a practical character; at the same time the members of the Jamaican Assembly were found 'deploring, beholding with amazement a plan almost carried into execution for the reducing of the colonies into the most abject state of slavery'. The use of the last word had in the circumstances a tragic comic significance.

The American Revolution made no difference in the status of the West Indies. By dint of pertinacity indeed the Jamaican Assembly obtained the recognition of that authority over the finances to which it had always aspired. The system that came to prevail is best described in the words of Lord Grey who had had six years' experience as Colonial Secretary. 'The mismanagement of the colonial finances,' he wrote, 'must in part at least be attributed to the mode in which their administration is conducted. The Assembly not only retains strictly in its hands its constitutional privilege of deciding upon the amount of grants to be made for the service of the colony,

and the taxes by which they are to be met, but it resents, as contrary to its privileges, any interference on the part of the Governor, even by way of advice with its exercise of its authority over the public purse. It is not required in Jamaica, as it is in this country, in Canada and in the Australian Colonies that every grant of money should be recommended by the Crown's representative before it is voted; but every member of the Legislature proposes any vote which he considers to be advisable, nor is there any person responsible for preparing an estimate of the probable receipts and expenses of the colony, and taking care that the latter shall be covered by the former. It is obvious that such a mode of conducting financial business is calculated to lead to great irregularity, and it has been found to do so in all the colonies in which it prevails. In the absence of any effective individual responsibility it is too commonly the practice for each member of the Assembly to push forward every grant for objects interesting to himself or his constituents, without any regard to the amount or comparative urgency of other claims on the public purse; so that the appropriation of the revenue comes to be determined rather by a kind of scramble amongst the members of the Legislature, than by a careful consideration of what the public interests require.'[1]

Again, whereas in England the collection of the revenue, the custody of the public money and its application to the objects for which it is voted is entrusted to the servants of the Crown, in Jamaica, Lord Grey explained, 'by various local Acts the collection and application of the revenue have been almost entirely taken out of the hands of the Governor, and certain persons known by the name of Commissioners of Public Accounts exercise, under scarcely any control, the powers which ought properly to belong to the Governor, and to the public

[1] *The Colonial Policy of the Administration of Lord John Russell*, vol. i. p. 174.

servants who act under his authority. So far has this been carried that these Commissioners actually possess and have repeatedly used the power of issuing, without the concurrence of the Governor, large sums in the inconvertible paper called Island cheques . . .; and the Governor has also, more than once, had occasion to remark on the irregular and imperfect manner in which the revenue is collected, without having any means to enforce a more efficient performance of this very important duty. All the members of the Assembly are *ex officio* Commissioners of the Public Accounts; in reality therefore the Assembly, under another name, exercise all the anomalous powers which belong to these Commissioners, and which include a complete control over the audit of the accounts of the expenditure which they vote as legislature. As the Commissioners are authorised by law to continue to meet and act, not withstanding a prorogation of the Assembly, and retain the power even after it is dissolved, until a new one has been elected, another check, which in this country is imposed on the power of the House of Commons by the authority of the Crown to arrest its proceedings by a prorogation or dissolution is virtually got rid of in Jamaica. The irresponsible and irregular power exercised by the Assembly, and by its members as Commissioners of Public Accounts in matters of finance would alone have been quite enough to prevent the financial affairs of the colony from being administered with that judgment and steadiness which the difficulty of the times urgently required.'[1]

At this time, whilst the Members of the Assembly were posing as the defenders of British liberties, a much more serious danger was threatening them from within. Under an electoral law a great number of emancipated slaves might by registration acquire the franchise; 'under the law as it stands,' wrote Lord Grey, 'the Negroes must soon acquire a predominant power in the Assembly

[1] *The Colonial Policy of the Administration of Lord John Russell*, vol. i. pp. 175-6.

Looking, then, at what the Constitution of Jamaica is and to the state of things which is likely to arise, when the Assembly, possessing as it does such large powers by law, shall represent those who possess also an overwhelming superiority of physical force, and who will not, I fear, be guided by much knowledge or judgment, or have a very kindly feeling to the absentee proprietors, I am at a loss to understand how the latter can have been so blind to their obvious interest as not to avail themselves of the power and influence they still possess in the local legislature for the purpose of co-operating with the Crown to introduce the many reforms which are wanted, and the neglect of which during these precious years may be productive of so much danger.'[1]

It is a striking testimony to the strength of old prejudices and traditions that, at this time, Lord Grey, although he recognised so clearly the nature as well as the symptoms of the Jamaica trouble, yet expressed willingness to assent to constitutional reforms which should assimilate the Jamaican to the Canadian Constitution. Writing a few years earlier the wise and kindly Lord Elgin, who afterwards was so successful a Governor of Canada, declared: 'I regard our local Constitution as a *fait accompli* and have no desire to remove a stone of the fabric. I think that a popular representative system, is, perhaps, the best expedient that can be devised for blending into one harmonious whole a community composed of diverse races and colour,' and mind you these words were written only some four years after that the state of things in Jamaica had led the British Government to propose the suspension of the Jamaica Constitution, a measure that had only been averted by its becoming a useful piece in the war game of English party politics.

The real difficulties, as we now must recognise, were economic. At its best there was something unhealthy

[1] *The Colonial Policy of the Administration of Lord John Russell*, vol. i. pp. 190-1.

about the prosperity of Jamaica. It was always in danger of being interrupted by hurricanes, scarcities, and slave rebellions, of which no less than twenty occurred before 1795. In 1807 a Committee of the House of Commons reported that since the year 1799 there had taken place a progressive deterioration in the situation of the planters, resulting from a progressive diminution in the price of sugar and that immediate ruin was threatened. In this state of things we can infer how fiercely the changes in British policy were resented which could be described as blows inflicted on a decaying industry. The abolition of the slave trade and of slavery, the enactment of Free Trade, and the cessation of preference in the home market to the colonial sugar, each in its turn aroused animosities which the state of nerves, induced by the continual menace in the background of the black peril and by the nature of the climate, tended to exaggerate. All this, however, belongs to another subject and does not concern us to-night. We are now only concerned with the constitutional aspects of the case. Governor Sir Charles Grey might write in July 1853 that he remained impressed with the conviction that the form of government suited to Jamaica would be that which should be the closest and most perfect analogy with the true government of England;[1] but he went on to explain that what he meant by this was merely the securing to the Government the means of initiating revenue measures in the Assembly and of proposing other measures. Sir H. Barkly took over the government in the same year, and under him the necessary reforms were affected. According to an experienced stipendiary magistrate, out of a population of some 400,000 there were not 50,000 who exhibited mental activity and spirit in any matters whatsoever. 'The political question was the controversy of a faction; the people were unaffected by it.'[2]

[1] *Parl. Papers*, 1854, xliii. p. 5. [2] *Ibid. Sir H. Barkly's Report*, p. 26.

The home Government succeeded in obtaining the assent of the Jamaican Assembly by liberal financial help: but note the cautious language of Sir H. Barkly: 'The generous proposals to which I have alluded . . . are founded upon no design of fettering, in the slightest degree, that legislative independence which for nearly two centuries the people of Jamaica have so proudly cherished—are coupled with no conditions derogatory to the freest representative constitution that ever yet existed. . . . I well know with how much jealousy suggestions of this sort must naturally be received by the large class who, looking back to the efforts which it cost the earlier colonists to erect the bulwarks of civil and religious liberty in this land, have learnt to regard the peculiar institutions which sprung subsequently thereout as the acme of human wisdom.'[1]

But while the members of the Assembly were arrogating to themselves all functions of government, and denying to the Council the right to originate not only money bills, but all measures of general policy; whilst they met as an invasion of their privileges any intimation by the Governor of the views held by him or by the home Government with regard to measures that were in progress through the Assembly, what was their representative character? The aggregate number of voters for the twenty-two constituencies was only 2235, as many as 291 of whom belonged to Kingston. In one constituency the number of voters was only twenty, and very few even of the limited number of voters were men of education.[2]

In this state of matters, in spite of the reforms effected by the change in the law which prevented public moneys being voted at the whim and mood of any private member, it is little wonder that we find twenty-one years later that the political barometer still stood at 'stormy'. We have fortunately no need to-night to enter into the thorny

[1] *Sir H. Barkly's Report*, p. 10. [2] *Ibid.* p. 58.

question of Governor Eyre's merits or demerits. His case aroused great interest in England and was remarkable for the manner in which it enlisted in rival camps most of the eminent men of the day. It may, however, respectfully be surmised that to many of these illustrious personages Governor Eyre stood rather as a symbol to enforce the lesson of their political beliefs than as an individual. To Carlyle and his followers he was the still, strong man of their philosophy; to John Stuart Mill and the rest he was the awful example of the abuses of autocratic government. Most men nowadays will be prepared to accept the findings of the Royal Commission, which consisted of an experienced soldier and High Commissioner, Sir Henry Storks, and of two eminent lawyers, Mr. Russell Gurney and Mr. J. B. Maule, which gave high praise to the Governor for his conduct during the early stages of the rebellion, but held that martial law had been continued for an unnecessarily long time, and that the punishment of death and by floggings had been inflicted to an extent greater than was necessary. With regard to Gordon, whose execution was the main count in the general indictment, the report said: 'Mr. Gordon might know the distinction between "a rebellion" and "a demonstration". He might be able to limit himself to go as far as he could with safety and no further. But that would not be so easy to his ignorant and fanatical followers. They would find it difficult to restrain themselves from rebellion when making a demonstration.'[1]

But whatever our opinion about the rights and wrongs of Governor Eyre, there is no reason to question the truth of his statement with regard to the political condition of Jamaica, contained in a despatch to Mr. Cardwell, dated December 7, 1865. 'The experience,' he wrote, 'of very many years past has proved beyond all doubt that the existing form of Constitution is unsuited to the changed circumstances of the colony and has become un-

[1] *Parl. Papers*, 1866, xx., *Report of Royal Commission*, pp. 40 and 37.

workable under that change. The useful administration of the government has become almost impossible, and a state of things has been gradually growing up which, if continued, must eventually lead to anarchy, confusion, and general ruin.

'The absence of a large proportion of the proprietary body and the cessation of any influx of persons from Europe of high standing and character, possessing capital and energy, has led to such a diminution of the number of resident gentlemen, qualified to constitute the two chambers of a Legislature, requiring sixty-four members, that the representative branch of it has long since, in a great measure, fallen into the hands of persons utterly incompetent for and unfit to exercise with advantage to the public interest the important duties and responsibilities attaching to a House of Assembly.[1] Under the influence of the panic caused by the rebellion that House was at last willing to lay down its boasted privileges. It was willing that in future there should be a single legislative chamber, to consist of twenty-four members, twelve to be elected and twelve to be nominated by the Crown. 'If the fact of the rebellion,' Mr. Cardwell wrote in December, 1865, 'should lead to the reconstitution of the Legislature by its own act, the community may receive some compensation in future good government for the calamity with which it has been afflicted. For many years the disposition and practice of the Crown has been rather to devolve on colonial representative bodies the power it possessed than to assume powers and responsibilities which had not hitherto belonged to it. But, in a case in which local self-government is incompatible with the welfare and even with the safety of the colony, there would be no hesitation of additional responsibility as the circumstances might seem to require.'[2]

In the words of Mr. George Cave, speaking on behalf

[1] *Parl. Papers*, 1866, li. p. 352. [2] *Ibid.* p. 406.

of the West India Committee, the opinion had long prevailed that the Constitution of Jamaica was ill adapted to the circumstances of the colony, and that this had been one of the chief causes of its continual decline. Incessant disputes between the Assembly and the Council and the Assembly and the Governor had been most prejudicial to the general welfare. The stoppage of the supplies on various occasions by the Assembly, leading to a suspension of the import duties, to the pecuniary benefit of some of the members of that body, had wasted the revenue and prevented the adoption of many useful measures.[1]

At last, in December, 1865, the Assembly decided, instead of creating a legislature such as that proposed in the preceding session, to content itself with its own abolition and to leave to the home authorities the task of creating for the island a new form of government in such form and with such powers as might seem to them the most fitting, and of altering and amending such form of government, should the necessity arise. Whatever else was doubtful, it was clear that the old system had failed to justify itself by its fruits. Although the qualifications for the exercise of the vote were (1) the possession of a freehold of the annual value of £6; (2) the occupation of a house of the annual value of £20; (3) the receipt of a fixed salary of £50 a year; (4) the payment of direct taxes to the amount of 20s. annually; or (5) a bank receipt showing ownership of £100 in island securities or in a bank, still, as we have seen, the numbers exercising the franchise were very limited and scanty. Whilst the Assembly had been wasting its energies on sterile controversies, the actual business of government, in the elementary matters of police and the preservation of civil rights, had been woefully neglected; and, whilst the necessary services had been starved, the colony had been for years spending, apart from extraordinary

[1] *Parl. Papers*, 1866, li. p. 406.

expenditure met by borrowing, between £20,000 and £25,000 a year more than the annual income. In this state of things it needed courage, as well as tact, to face the future. The new Governor, Sir John Patrick Grant, struck the right note when he explained that, whilst it had been the practice in the past for the Governor to read a formal speech which was replied to by formal addresses after consideration and debate, such formalities would be no longer in place in the altered state of things consequent on the new Constitution. In his opinion, past troubles had largely arisen from the fact that the public opinion of the colony had always been and still was a generation behind that of the Mother Country. At the time of the abolition of the slave trade, of the abolition of slavery and of the enactment of free trade, Jamaica had merely maintained the views which had been paramount in the case of each of these reforms in the Great Britain of thirty years earlier.[1]

Be this as it may, the pomp and ceremony that had attached itself to a body claiming to stand on an equality with the Mother of Parliaments, had vanished presumably for ever; and a new and chastened Jamaica in a sober and practical frame of mind was prepared to face its economic problems under the guidance of imperial officials to whom the past constitutional pretensions of the Jamaican Legislature belonged to the rubbish heap of an extinct past.

It is true that the system of 1866, under which the Legislative Council became a purely nominated body, was so far modified in 1884, that an elective element was again introduced into the Legislative Council; the elected members being in fact in the majority. Further tinkering of the Constitution has taken place, the final outcome of which is that, whilst the elected members are increased in number, the full number of the Council consists of fifteen *ex-officio* and nominated, against fourteen elected

[1] *Parl. Papers*, 1867, xlix. p. 8.

members. But minor changes of this nature do not affect our main proposition, which is that a complete revolution took place in the nineteenth century with regard to the views held in the seventeenth and eighteenth centuries regarding the constitutional question. I have sought to explain some of the causes which led to this change. The birth of democracy at home tended to undermine the foundations of a system essentially oligarchical; and, if the problem of government had been presented to the Jamaican planters as a choice between a form of government under which their negro fellow-subjects should rank on a real footing of equality with themselves and a meek acceptance of imperial supremacy, there is no doubt at any time of their history what their answer would have been. There is one aspect of the past history to which I have omitted to do justice. Undoubtedly it was the misconduct of the British authorities in treating the West Indies as a preserve for the creation of jobs and sinecures that seemed to excuse and to justify the note of constitutional protest. Whoever has read the history will be compelled perforce to agree with the judgment of Bryan Edwards that, with regard to the choice of Governor, 'party merits and connection were commonly the most forcible recommendations; and that persons equally devoid of character, ability, and fortune had sometimes been sent to preside in our most important settlements'. As an instance of the canker of absenteeism take the following: About 1767 provision was made for a Lieutenant-Governor in Jamaica by the Governor voluntarily abandoning the emoluments from the command of a fort amounting to about £1000 a year. In the administration of Lord George Germain that minister, instead of continuing the fort as a provision for a Lieutenant-Governor, seized on it for his own use and conferred the profits on an absentee favourite. 'Thus,' we are told, 'the island suffers the same inconvenience as it complained of before, with the burden of providing

£1000 a year for a person who neither resides within the island, nor has any other connection with it; for the fort is generally commanded by his deputy's deputy to whose very name, it is probable, the principal is a stranger!' In the light of such doings can we wonder that the tone of the English in Jamaica became one of protest and disgust. *Facit indignatio versum.* It was practical grievances that led to the assertion of constitutional pretensions that, considering the social environment of these assertors of liberty, occasion sometimes from the modern observer an inevitable smile. But to understand is generally to excuse; and we can recognise the inevitableness of the constitutional changes that have taken place without railing at those men who no doubt sincerely believed that they were following in the footsteps of John Hampden.

In this paper I have, for the most part, confined myself to the case of Jamaica because the history of that island best illustrates the tendency to which I have called your attention. It may be said against my argument that Barbados, as well as the Bermudas, still maintains its original representative Assembly. But though formally this may be so, in fact the circumstances of the times are greatly changed since the time when bold spirits aspired to model Barbados into a free state. The shrinking of the white population and the great increase in the black have brought about a state of things under which representative government is only tolerable because it is illusory. In the election of 1903 the number of registeral electors was only 1698 out of a population of about 195,000. We hear of general elections in which there was not a single contest. The old Constitution has been so far remedied that the initiation of money votes no longer belongs to the members of the Assembly but is vested in an Executive Committee which frames the annual estimates and settles the measures to be brought forward. Still, subject to the Governor's veto, all power over legis-

lation and finance, and to some extent over administration also, rests practically with the Assembly. But were a seventeenth-century Barbadian to revisit the scene of his political controversies he would none the less fail to recognise in the pale shadow of the past Constitution the fabric which once seemed a worthy reproduction of English institutions. The boldest of imperial federationists would scarcely now suggest that the people of Barbados should send representatives to sit in the Imperial Parliament.

Our final conclusion must then, I think, be that from the political as opposed to the economic or material standpoint, the West Indies are like a last year's almanac, and that in their case the truth holds good 'why seek the living among the dead'. It is significant that in the pages of the *Round Table*, that fertile seed vessel of thought upon imperial political questions, one seldom or never comes across a mention of the West Indies. He would be a bold man who prophecies nowadays with regard to the future of anything, and it might well be that some negro Trotsky—another Toussaint L'Ouverture is less probable—might call into being a black democracy which should at least remove from West Indian politics the reproach of being dull. Till that day arrives, which those of us who do not affect the Bolshevist temperament will pray may not be in our time, the most living political question with regard to the West Indies would seem to be whether greater efficiency as well as economy might not be brought about by a bolder employment of the federal principle, so as to avoid the existence of so many Governments. This, however, is a practical question on which I am not in a position to form an opinion. Neither, happily for me, does its discussion belong to the subject of my paper, which deals with a comparison between methods of government in the past and does not presume to soar into the clouds of political speculation.

# THE CONSTITUTIONAL DEVELOPMENT OF SOUTH AFRICA

*A Lecture delivered to the Society on June* 21, 1918

By LIEUT-COLONEL L. S. AMERY, M.P.

THE history of South Africa is the story of the disintegration and eventual reconstruction of a country essentially one in all the main features that make for political unity. It is, as Carlyle said of the United Kingdom, and with even more truth, 'one on the ground plan of the Universe,' a compact block of temperate territory jutting out from tropical Africa into the Southern Ocean. There is a coast fringe, nowhere of any size except in the East, where it belongs to Portugal and falls outside the scope of our story, and immediately round the Cape where it forms a little Italy, a region of orchards and vineyards, the seclusion of which from the life of the veld beyond may have accounted for many mistakes in the days when South Africa was governed from Cape Town. For the rest South Africa is a vast terraced plateau, greener and better watered towards its eastern edge, shading off towards sandy desert on the West, but singularly uniform in all its characteristics, and broken up by no serious natural barriers. Except perhaps for the Zambesi, the natural northern frontier of South Africa, and for the short section of the Drakensberg, which forms the eastern frontier of Basutoland, there is no river or mountain range which the Voortrekker's ox-wagon could not ford or lumber across, or which offers any serious obstacle to road or railway to-day.

And if South Africa is inhabited not only by a considerable native population, but also by two white races, those races are all more or less evenly distributed over the country, and the fact of their difference only strengthens the need for political unity. Except for certain expressly reserved native areas, there is no substantial part of South Africa of which it can be said: this is all white, or this is all black, this is all Dutch, or this is all English. A generation ago it could still be said that the English-speaking population, outside of Eastern Cape Colony and Natal, lived mainly in the towns, while the country side was Dutch. To-day there is a steady transfusion going on between town and country, and between one part of South Africa and another, which in another generation will have blotted out even this differentiation. Not least important in this process by which the Anglo-Dutch South African nation of the future is being created, is the fact that there is happily no barrier of religion, such as exists in Ireland and Canada, to intermarriage, and consequently to habitual intimate social intercourse. Lastly, the natural unity of South Africa has been greatly accentuated in our time by the accident that the great mineral discoveries, first at Kimberley and then on the Witwatersrand, have been in the heart of the plateau, and not near a particular point of the coast, and have consequently exercised a most powerful unifying effect upon the railway system and the whole economic life of the country.

On the atlas Australia and Canada also appear to be large, compact blocks of territory. But it is only necessary to take the most cursory glance at their conditions, especially such as they were before the achievement of political union, to realise how different their political problem has been. Australia, up to comparatively recent times, consisted, to all intents and purposes, of four or five large seaport towns, each with its own tributary agricultural and mining area, strung out at distances

varying from 500 to 1300 miles, along the southern and eastern third of a coast line of nearly 9000 miles looped round an almost unexplored and reputedly barren interior. Each of these seaports traded directly with the United Kingdom in competition with the others. Direct economic motives for union hardly existed. The growth of Japan as a power in the Pacific furnished an intimation of the need for eventual union rather than any urgent immediate justification. No wonder, under such conditions, that only the very minimum of constitutional union was secured, after many attempts, by the founders of the Australian Commonwealth. The national and racial obstacles to the union of Canada were even greater. Sixty years ago what is now the great Dominion consisted of a group of small British Colonies on the Atlantic sea-board, of a French and Roman Catholic Colony of Lower Canada on the St. Lawrence tied up against its will in a political union with an English-speaking Protestant Colony of Upper Canada on the north shore of the Great Lakes, and of the little Colony of British Columbia on the Pacific separated from the rest by 2500 miles of mountain, prairie, and forest, unspanned by any railway and generally believed to be a worthless wilderness. The only bond of union between these communities was the Union Jack, and their unwillingness to exchange it for the immediate economic advantages offered by going under the Stars and Stripes. And if in spite of all these obstacles the political bond of union achieved was so close as it is in the Dominion to-day, and the federal framework so strong, it is mainly due to the menace of American power to the South, and to the terrible example of the weakness of the American Constitution made manifest by the Civil War. In the history of the British Commonwealth the creation of the Dominion of Canada will always stand out as the greatest triumph of political faith and insight over the practical difficulties and doubts of the moment. How is it that South Africa,

with a problem so much simpler on the face of it, had to pass through so many more vicissitudes and conflicts before it could attain political union and achieve a constitutional framework in which the South African nation of the future could move and work and have its being?

Political ferment was already in the soil of South Africa when Great Britain took the Cape over from Holland during the Revolutionary and Napoleonic Wars. The roving farmers of the veld had paid little respect to the paternal government of the Dutch authorities at Cape Town even before the French Revolution. In 1795, adapting French revolutionary principles to their own convenience, the farmers of what is now Central Cape Colony expelled the 'landdrost' recently set up at Graaff Reinet, and for the next ten years conducted their own affairs as a practically independent Republic. To get away from the constituted Government and set up a Republic out of reach of the authorities was, in fact, already a tradition with the Boers when they first found themselves at variance with their new rulers over the native question. It is not necessary for me to enter here into the merits of the quarrel between the British Government of that day, dominated by the extravagant sentimentalism of Exeter Hall, and the rough frontiersmen who reckoned little of killing troublesome niggers, or into the adequacy of the compensation offered to the farmers for the compulsory liberation of their slaves. Enough to say that a large portion of the Boer population, instead of devoting themselves as English settlers might have done to a political agitation which in the end would have led in South Africa as elsewhere to the establishment of responsible government, set forth in 1836 upon the Great Trek across the Orange River. The British Government was sorely puzzled. It disliked the idea of extending its territorial responsibilities farther into the heart of the Continent. It was not prepared to forbid British subjects migrating, if they insisted, to better

pasture lands. On the other hand, it was not prepared to admit that British subjects by crossing the border into no man's land ceased to be British subjects for whose conduct the Government could take no further responsibility. It tried to coax the emigrants back by peaceful persuasion. It tried to worry them back by cutting off supplies and ammunition and by making treaties with native tribes to hedge them in. In Natal the problem was settled in 1843, with the free consent of the emigrants, by Mr. Henry Cloete, the special Commissioner sent over by Sir G. Napier, on the basis of constituting the newly occupied region a British Colony with representative institutions on terms which let it be clearly understood that the mistaken policy which led to the Great Trek would not be repeated. In 1848 Sir Harry Smith, the new Governor of the Cape, put an end to the anarchy among the emigrant settlers north of the Orange River by declaring all the country up to the Vaal a British Colony under the title of the Orange River Sovereignty. The majority of the settlers readily acquiesced, but a section of irreconcilables resisted, and after a stiff little fight at Boomplaats retired across the Vaal. The new Colony soon flourished exceedingly. The policy of following up the emigrants and securing for them the advantages of a strong impartial Government, while leaving them to a large extent free to administer their own affairs, was proving a decided success. A steadfast adherence to that policy would probably in a few years more have led to the country beyond the Vaal coming in, at the request of the emigrants themselves, as a new British Colony. In this way civilised South Africa would have gradually expanded northwards in a natural fashion by the aggregation of new states, just as the United States expanded westwards across the Continent of America. The bitterness which led to the Great Trek would have faded away, and the political dislocation of South Africa which paralysed and poisoned

the life of the country for the next sixty years would never have arisen.

Unfortunately, whatever sensible Governors like Sir Harry Smith might advise on the spot, the Little England movement was in full swing at home. The one idea of the Home Government was at all costs to stop the extension of British territory, and on the first opportunity to abandon what was already occupied. The first step was to recognise the independence of the Boers across the Vaal. This was done in 1852 by the Sand River Convention. The inhabitants of the Orange River Sovereignty were next informed, to their amazement and disgust, that the British Government did not wish to have the expense and trouble of protecting them any longer. The delegates, seventy-six Dutch and nineteen English, elected by them to discuss matters with the British Commissioner, flatly refused to renounce their rights as British subjects, and declared they would nail the flag half-mast high and hold out till they could lay their protest before Imperial Parliament. Their protests were unavailing, and in 1854 the British flag was hauled down, a sum of £45,000 being paid to various individuals as compensation for loss occasioned by change of government. Unlike the Sand River Convention which only guaranteed the right of self-government, the Bloemfontein Convention, which established the Orange Free State, expressly absolved the inhabitants from an allegiance which they were reluctant to abandon, and left them to manage as best they could without resources and at the mercy of a powerful and aggressive native state—Basutoland—on their flank.

This policy of attempting to save trouble and get rid of responsibility by contracting the frontiers was not without its precedent in English history. It was in substance the same policy as that which centuries before had led to the creation of the English Pale in Ireland and the abandonment of the rest of the island to its own

devices. The policy was equally futile and mischievous in each case. The responsibility could not be got rid of, and the necessity for reasserting it only led to bitterness and charges of ill faith. The constant wars between the Boers and the natives and the problems created by the rush of emigrants to the diamond diggings, and afterwards to the gold-fields, inevitably thrust interference upon the power which still was regarded by every one as the paramount authority in South Africa. So obvious indeed was the need for unity in the conduct of South African affairs that the Conventions had hardly entered into effect before the wisest heads in South Africa began making plans to counteract their mischievous consequences. John Brand, the sagacious first President of the new Orange Free State, was the first to advocate in 1858 the idea of a South African federation which should embrace British Colonies and Dutch Republics alike. Sir George Grey, then Governor of Cape Colony, warmly took up the idea, with the result that he was ignominiously recalled by the Home Government in 1859.

By the seventies a reaction against the extravagances of Little Englandism had already begun to set in. The achievement of Canadian Confederation inspired Lord Carnarvon, Disraeli's Colonial Secretary, with the conception of a similar union of South Africa. In 1875 Mr. Froude, the historian, was sent out on a mission to convert South Africa to a ready-made federal bill which Lord Carnarvon had prepared on Canadian lines. But neither the methods nor the moment chosen were favourable. Responsible government had only been granted to Cape Colony in 1872—a step long delayed by considerations of the native difficulty and the cost of defence involved, as well as of the sea route to India—and the new Government under Mr. Molteno was touchy about its position and status. Lord Carnarvon's despatch caused offence both by its assumption that

Cape Colony should enter into a Conference with Natal and other territories still under direct Crown Colony government, and by a suggestion as to the Cape representation at such a Conference which seemed to revive the possibility of a division of Cape Colony into separate Eastern and Western Colonies which had been much discussed and definitely rejected in 1872. Mr. Froude added to the trouble by taking part in an agitation against Mr. Molteno's Government in the Eastern province. The state of affairs, indeed, in the Transvaal, or South African Republic, which had fallen upon evil days and seemed in imminent danger of annihilation by the surrounding native tribes, was a strong argument for federation, and at one time looked as if it would help the movement. But President Burgers's eloquence failed to persuade a listless and factious Volksraad that the only alternative to confederation was annexation. The annexation was, indeed, carried out in April, 1877, by Sir Theophilus Shepstone, with the general acquiescence and approval of the population. But the failure of the British Government to keep its promise to grant free representative institutions to the new Colony led to an agitation which communicated itself to the rest of South Africa and led to the rejection of the motion for federation in the Cape Parliament in June 1880, in spite of the influence of Sir Bartle Frere and of a new Government, under Mr. Gordon Sprigg, favourable to federation. The rebellion in the Transvaal, and the ignominious surrender of Mr. Gladstone's Government, left South Africa more deeply divided than ever before, and seemed definitely to put an end to all possibility of future reunion.

But an inevitable idea cannot be killed. The conception of a United South Africa, tabooed as practical politics, remained the pole star of all South Africans of any patriotism or imagination. Unfortunately there was now no longer a single conception, but two. One was

the dream of the young Afrikanders, who regarded the liberation of the Transvaal as merely the first step in the general liberation of all South Africa from British domination and the emergence, peacefully or by force, of an independent South African Republic from Cape Town to the Zambesi. The other was the dream of men like Cecil Rhodes, who believed that for all her vacillations and errors Britain could not divest herself of the duties and rights of the paramount power in South Africa, and who set to work after 1881 patiently and persistently to rebuild the shattered fabric of British moral authority. The two ideals were in essence the same. The differences between a republican union and a federation under British auspices, between the Union Jack and the Vierkleur, were in one sense trifling, and did, indeed, seem relatively trifles to many 'practical politicians,' Dutch and English, of that generation who evaded a decision between them, even in their own minds, by hazy generalities. But they were just those very differences which, centring round names and emblems, often have a deeper significance than is realised at the time, and on which, in any case, compromise is impossible and a decision can only be reached by the method of victory and defeat. Looking back from the point of view of what the British Commonwealth has become in our day, and what it stands for in this world's struggle, we can better appreciate what was involved in the issue of the flag than those who worked at a time when the eventual independence of the Colonies was still the fashionable shibboleth, and when the future unity of the Commonwealth was a matter of faith and instinct and not of practical politics.

The discovery of the Witwatersrand gold-field and the flocking of new population, mainly English, into the Transvaal from all over South Africa and from outside hastened the issue. On the one hand it supplied President Kruger's Government with relatively boundless wealth and gave it the power through customs and rail-

way rates of controlling the economic life of the rest of South Africa. On the other hand it threatened to submerge that Government under new elements indifferent, if not actually opposed, to republican ambitions. Kruger tried to solve the difficult problem by the simple device of excluding the immigrant population from all political rights, used his new revenue to arm himself on a scale unprecedented under South African conditions, and entered into negotiations with Germany for assistance in the eventual struggle for the mastery in South Africa. The policy was a fatal error. It violated the elementary principle of equal political rights for all civilised men who help in the task of making a new country which has underlain the growth of the United States and of the British Dominions. While inflaming racial animosities it alienated moderate Dutch sentiment throughout South Africa. In the end it drove the republics into the war which ended, after a heroic struggle, with their extinction, and with the survival of the British flag and the British system of free government in undisputed supremacy.

The main obstacle to union was now swept away. But before union could be thought of there was another constitutional problem to be faced, that of the conversion of the conquered Republics into free self-governing communities on the British plan. On this question the view of the British Government had been clear and consistent from the outset. As early as March 1900, Mr. Chamberlain had announced that free self-government on British lines would be the ultimate sequel to annexation.

The terms of the Vereeniging Agreement under which the Boer forces in the field surrendered expressly stated that free representative institutions leading up to full self-government would be granted at an early date. The moment peace was signed the Boer generals were at once invited to take part in the work of the Commissions which directed the work of repatriation and resettlement. A further invitation to join the Legislative

Councils in the new Crown Colonies was rejected by General Botha, and his most prominent colleagues, from a not unnatural desire to keep their hands free for criticism and political organisation. Still from the first the Milner administration was conducted in consultation and co-operation with prominent members not only of the British but also of the Dutch communities. Within two years of peace Lord Milner, whom in the heat of party controversy it was the habit to describe as a bureaucrat and an enemy of self-government, was urging the setting up of representative institutions in the Transvaal on Mr. Lyttelton, who had succeeded Mr. Chamberlain as Colonial Secretary. It was essential, in his opinion, as expressed in a subsequent despatch, "to adopt a liberal measure of representation. The representatives of the people must be numerous enough not only to voice popular opinion, but to determine the character of the laws, and, except where vital Imperial interests are concerned, practically to direct the policy of the administration."

Mr. Lyttelton was entirely of the same opinion; and the outcome of the correspondence was the framing and publication of the so-called Lyttelton Constitution in March 1905. Under that Constitution a Legislative Assembly was to be set up in the Transvaal, consisting of six to nine members of the Executive, who would remain nominees of the Crown, and of thirty to thirty-five elected members. The system was one which had in every other British Colony preceded the grant of complete responsible government. In most cases it had worked for a time and eventually broken down when the inhabitants felt that they were ready to take the complete control of affairs into their own hands. In Cape Colony it had, as a matter of fact, lasted from 1853 to 1872, and had been abandoned more owing to the pressure from the Home Government, which wished to make the Colony shoulder the whole burden of local military defence, than

owing to any desire for a change in the Colony itself. In Natal the change had only come in 1892 after discussions covering over twenty years. In the case of the Transvaal it was, however, frankly intended to be purely provisional, the object being on the one hand to enable parties and leaders to find themselves, and on the other to give the administration established by Lord Milner another two or three years for carrying on the work of economic reconstruction. If the Lyttelton Constitution had been put into effect and come into operation, as arranged, in 1906, the change to responsible government would probably have come two or three years later. Whether, as some feared, it would have only come about after friction and agitation which might have permanently estranged the Boer leaders, or whether it would have involved no more controversy or bitterness in South Africa than the course actually adopted, is a matter on which opinions may differ. It is, after all, hardly fair to suppose that men like General Botha and General Smuts, who displayed such loyalty to the pledges given by them at Vereeniging and such a broad conception of South African patriotism, would have displayed entirely different qualities, if they had received complete self-government in 1908 or 1909 after a large measure of self-government in 1906, instead of receiving it in 1907 at a single stage. The latter proceeding naturally made a more dramatic appeal, and we may be well satisfied that it was adopted. But at this date we can afford to say that the establishment of British freedom in the conquered South African Republics was not the work of this or that party, but the natural fruit of those political principles which are common to all parties in the British Commonwealth, and which all parties are to-day united in defending against the embattled forces of despotic aggression and racial intolerance, with which we can have no truce whether they threaten the fabric of our state from without or from within.

As a matter of fact the controversy which accompanied the decision of Sir H. Campbell-Bannerman's Government to annul the Lyttelton Constitution, and grant full responsible government a year later, was mainly concerned not with the decision itself, but with such side issues as the allocation of seats in the new legislature and its probable effect upon the prospects of local parties or upon the future of Chinese labour. In February 1907, the first Transvaal elections took place and resulted in the return of a substantial Het Volk majority. Lord Selborne, the new High Commissioner, at once sent for General Botha and entrusted him with the reins of government. That trust was not misplaced. During the critical months and years which have followed General Botha and his brilliant right-hand man, General Smuts, have earned the gratitude not only of South Africa but of the whole British Empire for their loyal, sane, and broadminded work in leading South Africa away from the barren enmities of the past towards a more fruitful future as a nation united in itself and a worthy partner in the Commonwealth of the British nations. Responsible government was extended to the Orange River Colony in 1908.

With the issue of the flag and the form of government settled, the road was clear for the creation of a United South African nation. This was the goal which Mr. Chamberlain and Lord Milner had kept steadily before them, and when Lord Milner left South Africa in 1905, union, if unachieved, was at any rate in full view. Whatever other differences divided them the aspiration for union remained common to the best men of both races in South Africa. To both the war had brought a wider outlook and an intenser devotion to the land whose possession had been so stubbornly contested. Meanwhile the internal boundaries of South Africa had lost all their historic significance, and only their extreme practical inconvenience remained. A serious native

rising in Natal emphasised the need for a common native policy. Customs and railway agreements temporarily threatened to break down and end in acute political conflict and economic disorganisation. A severe commercial depression increased the dread of so disastrous a result, and brought home to the taxpayer the extravagance of a multiplicity of governments in a community of little over a million white men.

The actual work of initiating and organising the campaign for South African Union was taken in hand by some of the members of what used to be called in jest 'Milner's Kindergarten,' the young Oxford men whom he had brought out to help in the work of reconstruction, and whom he left behind as heirs to his policy, imbued with his conceptions and inspired by his creative spirit, but freed from his burdens and difficulties, and ready to take up the work where he had left it. Most prominent and active among these was Mr. Lionel Curtis, whose name has since become more familiar to those who are interested in Imperial problems by his writings on the broader issue of Imperial unity, and most recently by an illuminating study of the problem of Indian self-government. At an early date General Smuts and other leading men on both sides of politics threw themselves into the work of study and preparation. In 1907 Lord Selborne, at the request of the Cape Government, issued a memorandum, largely based on Mr. Curtis's work, in which the need for union as essential to the real freedom of South Africa as a nation was set forth with admirable skill and persuasiveness.

In May 1908 the progress in the education of the thinking public was significantly shown when an Inter-Colonial Conference on customs and railways, faced with the prospect of an absolute breakdown of existing arrangements, frankly declared the problem insoluble without political union, and asked for a National Convention to draw up a Constitution for a United South Africa. The

Convention met at Durban in October. It was a purely parliamentary Convention, composed of representatives of the Government and Opposition in each Colony. The most striking feature about it was its domination by the Transvaal delegation. The advantage they enjoyed lay not only in the preponderating economic influence of their Colony, but in the fact that General Smuts and his colleagues had set to work, with the help of some of the younger workers in the union movement, to thrash out all the difficulties and then to draft their constitution in detail. The result was that while every other Colony sent to the Convention a certain number of individuals with general ideas on the subject of union, the Transvaal delegates went down to Durban as a solid body with a complete South African Constitution in their pockets—the Constitution, in fact, as far as its main features were concerned, which was eventually accepted by the Convention and by the South African Parliaments and passed by the Imperial Parliament as the South African Act 1909.

The chief characteristic of the South African Constitution is that it gives constitutional expression to that essential unity of South Africa to which I have repeatedly referred in this lecture. Previous efforts for South African union had never gone beyond some kind of federal scheme, and, indeed, no other scheme would have been possible as long as the Republics maintained an independent existence. But even after the war it was federation that was generally meant when South African Union was discussed. The idea of complete unification was one originally propounded by Lord Milner in informal discussions. The little circle of workers who first took up the union movement adopted it almost from the outset. But its most powerful advocates were General Botha and General Smuts, the former from the innate faith of the South African Dutchman in strong and centralised government, the

latter also from his intimate knowledge of and admiration for the Constitution of the United Kingdom. Like Sir J. Macdonald, the father of Canadian Confederation, General Smuts held complete legislative union to be 'the best, the cheapest, the most vigorous and the strongest system of government' for his purpose. By sheer argument and determination he and his associates carried the day for unification in the Convention, and had not to be content, like Sir J. Macdonald or Alexander Hamilton before them, with weaker compromises. The existing Colonies were practically swept away, though their old areas are still covered by Provincial Councils exercising such functions of local government as the Union Parliament may assign to them. The Constitution is not only centralised but, like that of the United Kingdom, absolutely flexible. All powers are vested in the Government of South Africa, and, except for the specific clauses dealing with the period of transition, or certain others dealing with the native franchise or the equality of the English and Dutch languages, for the alteration of which a two-thirds majority of both Houses is required, all other features of the Constitution may be altered or repealed at the unfettered discretion of the South African Parliament.

The system of representation in the South African Assembly is based on the full recognition of that principle of equal voting rights between all white men which was the battle ground between Kruger and the Uitlanders before the South African war, and embodies the victory of the British view on that issue, just as the absolute equality of the two languages for all official purposes embodies the British recognition of the claim of the Dutch to be regarded as an equal and not as a subject people. There is automatic redistribution of seats every five years. A still further advance in the direction of political equality, Proportional Representation, was agreed to by the Convention but had to be dropped in

the end to reconcile the Dutch in Cape Colony and the Orange Free State to the principle of equal voting rights. Proportional Representation is, however, retained as the means for electing the members of the Senate, who are elected eight for each Province by the members of the Assembly for that Province sitting together with the members of the Provincial Council, while another eight are nominated by the Government of the day, four by reason of their special knowledge of native affairs. The question of the franchise for the natives was left frankly unsettled, the existing franchise being retained in the Cape Province, but no vote being given to the natives in the other Provinces.

The Provincial Councils represent an interesting experiment. They are deliberately intended to be non-political bodies as far as possible, and their limited executive functions are therefore carried on, not by a government selected by a party majority, but by an Executive Committee of four members elected by the Provincial Council by Proportional Representation. The fact that the head of the Provincial Government is not a Lieutenant Governor but only an 'Administrator' directly appointed by the Union Government also indicates the very subordinate position the Provinces are intended to occupy in the political life of South Africa. The experiment has not been in operation sufficiently long for anyone to be able to pronounce a definite verdict upon it. I am told that there is some dissatisfaction on the part of members of the Provincial Councils with the great powers enjoyed by the Administrator and some talk of the desirability of re-establishing the ordinary parliamentary system in the Councils.

South Africa has not yet emerged from all her difficulties. There is still a considerable section of Dutch irreconcilables, led by men like General Hertzog, who cannot accept the ideal of a single Anglo-Dutch South African nationality taking its place in the greater partner-

ship of the British Commonwealth, who would keep South Africa a land of two separate white races, one dominant and the other treated as an interloper, and who wish to emphasise the spirit of division still further by separating South Africa from the Empire. They are the South African Sinn Feiners, and like them they are capable of giving trouble at a time of general stress and anxiety. But they are working against the whole trend of South African evolution, and the future is not with them. More formidable really is the native problem which will have to be faced sooner or later, whether on lines of what is known as specific delegation, the granting of limited powers of local self-government in certain defined areas, or on such other lines as the experience of the future may suggest. Meanwhile the essential thing is that the united South African nation now in process of growing to maturity has to its hand a constitutional instrument admirably adapted to enable it to carry out its purposes without friction or delay, and to fulfil its destiny as a partner in the free Union of the British Commonwealth. In that partnership alone can the national ideals of the two white races of South Africa find their full satisfaction. As Lord Milner and General Botha have each insisted, no Dutch South African can be satisfied in a polity which leaves his country or his race in an inferior status, no English South African can be satisfied in a polity which does not include the British Motherland.

# THE CONSTITUTIONAL DEVELOPMENT OF CANADA

*A Lecture delivered before the Society March 22, 1918*

By E. M. WRONG, M.A.

I HAVE been asked to speak on the constitutional development of Canada, and there is perhaps a danger in a lecture on this subject being given by a Canadian. We are all inclined to think the history of our own country of special importance, to claim that all men should study the chronicles of our own land, where they may see different principles in conflict more clearly than they will in the story of other nations; where they may learn solutions for modern problems, which if they will only apply them, will send a more efficient and more peaceful world spinning on its way. Most of us, indeed, suffer from national egotism, which perverts our sense of history. You have only to read debates in Parliament in the eighteenth century to see how Englishmen overvalued English institutions. Trial by jury, Habeas Corpus, and representative assemblies were to Burke and Fox, and to many lesser men, panaceas for a world diseased. It was with some indignation, some scorn and more disbelief that they heard, in 1774, that these peculiarly English creations were not desired by French Canadians, but were, on the contrary, feared. Institutions developed to suit English conditions and needs the Whigs thought applicable to the whole world, and this is a habit of mind of which we have not yet rid ourselves, and that has not made the English too much loved in Ireland, in India, or throughout the world. I must

avoid the danger of preaching on the text of Canada's success in dealing with her constitutional and racial problems, but at the same time I must try to couple the local solution with the imperial, and to see where, if anywhere, Canada has led the way and of what value her experience has been.

The importance of Canadian history is threefold, both as regards the British Empire and the possibility of a permanent League of Nations. First, the problem of self-government within the Empire was worked out in Canada earlier than elsewhere. Responsible government, which means simply that the people of a Dominion have the same control over their domestic affairs as the people of Great Britain have over theirs, was a Canadian device, advocated by Canadian reformers, first tried in what is now Canada, and afterwards applied to Australia, New Zealand and South Africa. Without the evolution of responsible government the Empire would probably have broken into pieces, for under the system that prevailed till 1840 or even later, any development of a Colony's resources, any increase in its population and wealth helped to strengthen centrifugal forces, and to create a movement for separation. A reconciliation of the general with the particular interest, of the Empire with the Colony, was worked out in Canada. If this had not been done there, it would probably have been done elsewhere, just as if Columbus had not sailed westwards in 1492, some other enterprising adventurer would have pushed out into the Atlantic and sooner or later would have reached the New World. But Canada, like Columbus, was the pioneer. By evolving a system of responsible government she helped to reconcile national self-government with the existence of an international state, such as the British Empire is to-day. The solution found in Canada and now practised throughout the Empire may help in any international organisation yet to come.

Secondly, the domestic affairs of Canada, its internal

conflicts, are of some importance to the Empire. Federalism was not invented by Canadians, but Canada, first of the Dominions, tried the experiment of a federal system and in this again did pioneer work. It is worth noting that the experiment was made when federalism was in bad odour; the American Civil War had shown the danger of divided powers, and the weakness of any uncertainty as to where sovereignty, inalienable, indivisible and final, must lie. We are all federalists to-day; we are inclined to think federalism a thing good in itself whether or not it is necessary, but when Canada made its great experiment men regarded a federal solution not as an ideal, but as a makeshift, only to be tried when other systems had failed. Even Sir John A. Macdonald, speaking in the Canadian Parliament before confederation, admitted his preference for a legislative union over a federal system, for he was a monarchist and in 1867 federalism had a republican tinge which many thought incompatible with monarchy; yet federalism was tried and on the whole succeeded. How far Canada's experience proved of value to Australia and South Africa it is hard to say; these countries would almost certainly have evolved some form of union without it, for New Zealand had started constitutional life as a cluster of provinces, so that the experiment was not quite a novelty. But Canada showed them some things better avoided, and at the worst filled the rôle, so important at a revivalist meeting, of the horrible example. Australia in forming the Commonwealth, South Africa in making the Union, at least used Canada to this extent—they did not create a second house along the lines of the Canadian Senate.

The third aspect of Canadian history which is of special importance to the Empire and indeed to the world, is not so much constitutional as racial and linguistic. Canada is not a homogeneous country. Its politics are always complicated by the existence within its borders of a racial minority one-third of the whole,

the French Canadians, original possessors of at least part of the land and made citizens of the Empire not of their own will but by conquest. In Canada there is and there will have to be dualism of language and of race, and what suits the English will not always suit the French. Matters are not so complicated as in Austria, for Canada has only two races, two languages, of any importance, instead of half a dozen, nor is there across the frontier a French nation preaching Irredentism, and complicating internal affairs by the pressure of foreign relations and the dangers of an alien propaganda. But the situation in Canada is complex enough; French and English speak different languages, follow for the most part different religions, have different ideas regarding the future of the country; they read different histories, different newspapers, they move in different societies. Yet the country economically and strategically must remain one, working out its problems day by day and finding solutions for its troubles one at a time. Canada has discovered no panacea for racial feeling; there is no cut-and-dried system which will make all men friends. The 'happy families' which you see in some menageries—cats, dogs, birds, and mice—are only the result of long training, and even then the birds and mice have to be renewed occasionally. But on the whole Canadian history has shown, and is showing even to-day, when racial bitterness seems greater than it has been for seventy years, that dualism is not incompatible with real national feeling, that French and English may quarrel but that most of them seek the interests of Canada first, that the bulk of neither party, despite irreconcilables and firebrands on either side, wishes to push things to an extremity. Canadian experience should be of some value to Ireland, to India, possibly even to South Africa, even though we find in Canadian history no magic solution.

Can we summarise the value of Canadian experience as regards the Empire? I think we can. On the whole

the Empire has looked to Canada for experiments on some of its *political* problems—responsible government (which means the existence of nationality within an international state), federalism, racialism—or at least the existence side by side in one state of two nationalities. In the same way the Empire has looked to Australia and New Zealand for experiments in solving *social* problems, and it is looking and will look to South Africa for suggestions on what is perhaps the greatest difficulty of them all, the colour question. We shall understand Canada's constitutional and political development better if we keep in mind the two themes upon which its history is a series of variations, first, the need of combining a world-empire, or as we ought to call it, or at least part of it, a Commonwealth of Nations, with complete local freedom, and secondly, the necessity of maintaining peace and goodwill in a State where two races, languages and religions meet. All the variations on these two themes have not been worked out; the constitutional experiment of responsible government is still in process of development (the Imperial Conference, the Imperial Committee of Defence, and the War Cabinet's admission of Dominion ministers, are amongst its later results), and the relation of French Canadian to English Canadian is not yet final. Moreover, we seldom get these two themes unalloyed, for the American Civil War, European crises, economic relations with the United States, and boundary disputes with the same country have complicated them. But none the less the key to Canadian history lies in these abstractions.

The history of Canada as a British possession begins in 1763, when the population comprised a few hundred persons who spoke English, mostly merchants and officers, and about 65,000 French. For eleven years control was in the hands of governors who preferred the *habitant* to the English settler—not without good reason. Canada was governed not by Act of Parliament but by

instructions and commissions. The system was meant only as a stop-gap, for representative institutions were to be set up as soon as possible in the hope that they would win over the French; meanwhile a benevolent autocracy would suffice. When there came the troubles leading to the American Revolution, it was determined to maintain the French in their own law, customs, language and religion, and the Quebec Act bade farewell to any attempt at turning the *habitant* into an Englishman. He was left his language and religion, he was not given a Parliament nor did he want one. It is the custom nowadays to criticise this measure adversely; one of the latest writers on Canadian history says of it: 'For the development of French-Canadian Nationalism as an uncompromising political creed, with its instinctive tendency towards separation and isolation, the responsibility rests with the Quebec Act of 1774'.[1] His argument is that before 1774 conscious nationalism was not yet alive and might never have existed if it had not been for this artificial revival. Lord Durham, a great Liberal but not a believer in nationalism, criticised British policy for another reason, for its vacillation, and argued that Canada should either have been made all English or kept entirely for the French. But both these criticisms go astray in that neither considers the difficulty of the situation. When one reads the correspondence of the time one feels that any course other than that followed was most difficult and dangerous, if not impossible. The Quebec Act contemplated the retention of the American Colonies within the Empire, in which case there would have been little British emigration to the northern half of the continent. As the English would not go and occupy the land it was only natural to let its previous occupants keep their old way of life. Moreover, to claim that French-Canadian Nationalism sprang from the Quebec Act is plausible but unsound. Nationalism

[1] *Canada and its Provinces*, vol. iii. p. 49.

springs more readily from repression than from indulgence, and as far as one can tell any attempt to Anglicise the French would have roused them at once to a consciousness of their identity.

The American Revolution upset the calculations of the British Cabinet. It left only the north, and far the poorer, part of North America in British possession but it helped to people these tracts, for the Tories of the American Colonies, the United Empire Loyalists, streamed into what are now New Brunswick and Ontario. As a result of this emigration British policy towards Canada had to change once more. The loyalists were used to Assemblies and must have one, but it would be very difficult if not impossible to divide Canada, giving one part of it representative institutions, and at the same time withholding these from the other. So in 1791 the Constitutional Act set up representative government in both Lower and Upper Canada; the country had taken the first step in constitutional development, it had acquired a legalised voice. For the next step it had to wait over fifty years.

Charles Buller, one of Lord Durham's associates, and a most able thinker, said of representative as opposed to responsible government, that to confer it was to light a fire and then stop up the chimney. The people of Canada—both Upper and Lower—elected members to the Lower House, the Assembly, on a low property qualification. But the Assembly, like the English Parliament in the reign of James I, did not govern. It had a limited power over the purse, and no new law could be passed without its consent. But government does not consist in making laws so much as in administering them, as we have all found out by now—though it took us about 200 years to make the discovery. Above the Assembly was the Legislative Council, an Upper House filled by nomination, not by election. Still higher was the Executive Council, a sort of Cabinet but without

either individual or collective responsibility; the Governor did not have to change his Ministers even when the Assembly was unanimous against them. Of course there was friction; such a system is certain to make friction in any country that is growing, and that looks consciously or unconsciously to self-government. In Lower Canada the friction inevitable when the shadow but not the reality of power was given to the electorate was complicated by racial feeling. The British Government, uncertain how to deal with Canada, was sure enough of one thing—that sovereignty could not exist in a colony without breaking the Empire in pieces, and that the chain of responsibility must run from the Colonial Governor to the Ministers in Whitehall, not from the Governor's advisers to the people of the Colony. An inevitable but none the less fatal *impasse* resulted, only to be solved when some Canadian politicians—such as Howe and Baldwin—discovered that there might be a double chain of responsibility, one connecting the Governor with the British Ministry and eventually with the British people, the other tying the Governor, through his Ministers, to the Colonial electorate. Lord Durham adopted this solution, though the British Government fought shy of it; gradually between 1840 and 1850 it prevailed, and from Canada it was transferred almost immediately to the Australian Colonies, which in 1855 began their political career as self-governing partners in the Empire.

Thus one of the constitutional difficulties was worked out. We can admit at once that the settlement was not quite satisfactory in a logical way. The Imperial Parliament remained sovereign, as it does to-day, but it had already handed over to the Canadian legislatures set up in 1791 the machinery of control and certain necessary departments. Responsible government needed no further Act of Parliament; all that was necessary was a definite understanding that the Ministry should

consist of men having the confidence of the Lower House; a Cabinet and the party system followed as inevitably as the night the day. But Joseph Howe and Lord Durham, together with other advocates of responsible government, were not separatists; they wanted Canada to remain within the Empire as a self-governing nation. To avoid danger of division they ear-marked certain subjects for the Imperial Government, foreign relations, defence, the regulation of commerce, and Lord Durham added the apportioning and settlement of the millions of vacant acres within the Colonies. The Imperial Government was to regulate these, the Canadian legislatures all other matters, that is to say all domestic affairs. But one cannot separate domestic affairs from Imperial in this simple way. Canada wished to control her own house, and this house might be fundamentally altered—as for instance the whole Empire was affected in 1914—by a British declaration of war. Canada wished to control the conditions of life within her boundaries, and what is of greater importance in the humdrum details of life, than the question whether the country is free trade or protectionist? In 1859 the first compromise was broken down by a Canadian advance; a tariff was imposed on imports whether British or foreign; the Colonial Office expostulated, and Galt replied for the Canadian Government that Great Britain had no financial responsibility for Canadian affairs, and that therefore Canada must raise revenue in any way that seemed good to her. Before that time the vacant lands had been made over to the Colony for her to settle and use as she wished. Later on came a demand that, as Canada controlled the conditions of life within her borders, she must also control the elements of that life—that is must admit or exclude immigrants at will. In all these things the Colonial case won, as it won in Australia and South Africa. Responsible government proved to be the starting-point of constitutional development and not the terminus.

It is obvious nowadays that the British Commonwealth exists on sufferance. To the Imperial Government is still reserved the right of veto on Dominion Acts, and the Canadian student of history is sometimes startled and alarmed to find that the first bill passed by the Canadian Parliament after Confederation (to reduce the salary of the Governor-General) was disallowed by Downing Street and that the Empire still survives. If the Canadian Parliament were to pass an Act which seemed to the Imperial Government fatal to the existence of the whole Commonwealth, and if it felt strongly enough about the measure to persist in it after its disallowance, a break might be made, either the Imperial Government modifying its views or the Commonwealth disrupting. But this presupposes a bankruptcy in negotiation and in the internal diplomacy of the Empire which has never existed since responsible government began. Perhaps it is one of the best things about a system of responsible government that it depends for its efficacy upon individual and official tolerance; both the Imperial Government and the Governments of the Dominions have continually to give way, and to modify their wishes in accordance with the general interest.

For an example of this we must look at the control of immigration. This subject did not in 1865 or 1867 seem of sufficient importance to justify special mention in the British North America Act. But since then there has been a great influx to Canada from all countries in Europe, and a still greater influx from Asia has seemed probable. The people of British Columbia took alarm, fearing that the 400,000 persons in a province about the size of Germany would be swamped by crowds of Indians, Chinese and Japanese. They tried to prevent Asiatic immigration by Provincial enactment; this was beyond their powers, but the Dominion Government was prevailed on to pass legislation to this end. Now this seems simple enough, a domestic matter concerning

only Canada, but what are the results? India is part of the British Empire, its inhabitants are British subjects, and they claimed—unsuccessfully—the right to live in any part of the Empire they chose. The denial of this claim by the Parliaments of Canada, Australia, New Zealand, and South Africa has not made British government in India an easier task. Secondly, Japan is an ally of the British Empire, and would not see her subjects excluded from parts of that Empire without protest. The difficulty has not yet been permanently solved, but the important thing to note is that in this matter, intimately connected with the government of India and with foreign relations, the Dominion Parliament has persisted and the British Government has given way. In some other things—such as the attempted reduction of the Governor-General's salary and the New Zealand Shipping Act—feeling in the Dominions was not so strong, and the local Governments yielded with or without a good grace.

Self-government in Canada and the other Dominions has gone so far that, along the lines it has followed, it can go little further. Durham's reservations — trade, defence, foreign affairs, lands—have in three cases been washed away, for Canada now equips and controls her own forces, both by land and (what there are of them) by sea, although these forces, it is true, take orders in time of war from the War Office and from the Admiralty. The only thing remaining is foreign affairs, and if Canada is to control her own relations with other states, while at the same time remaining part of the Commonwealth, some new constitutional form will probably have to be found; perhaps a truly Imperial Parliament, perhaps (as Mr. Herbert Samuel has suggested) the setting up of a House of Lords reformed into becoming an Imperial Senate, perhaps a permanent Imperial Committee on foreign affairs, probably with co-opted members to represent different parts of the Commonwealth. But I

have no business with prophecy; my task lies with the past.

So much for the solution of how a nation can remain part of a world-state which shall stand for liberty and local self-government rather than for excessive centralisation and for a monotonous similarity between all countries of the earth. How has Canada worked out the other two problems, closely related to one another, of federalism and of two racial cultures within one country?

Canada has seen much in the way of constitutional experiment. In 1774 government by one Governor and one Council was set up for the whole of the inhabited interior; in 1791 came representative government, coupled with almost complete division. Lower Canada and Upper Canada, Nova Scotia, and New Brunswick had relations with each other like those of foreign states, save that they lacked a diplomatic service. They were divided, each corresponded directly with the Colonial Office, and the title of Governor-General was a nullity. The system broke down not only through the demand for responsible government, but also through the improvement in communications; Durham prophesied that a Halifax-Quebec railway would make union inevitable. However in 1841, before such a railway was built a limited union was set up, consisting of Upper and Lower Canada. The reasons for this were simple, to give Upper Canada trade access to the sea without her depending on the goodwill of Lower Canada, and (though this was not avowed so openly) to swamp the French element. Few people then realised that nationality had already solidified; most politicians, both in England and Canada, thought that it could be moulded at will into new forms. But it is not possible nowadays to abolish racial difficulties by denying their existence or by taking long and inaccurate views. Nationalities and languages do not expire to-day unless they are destroyed by force, and the union of 1841 did not fulfil the expectations of

its authors, Durham, Russell, and Sydenham. French nationalism slowly adapted itself to the new conditions and throve under them. Government of the Union went on because it is a way governments have, but it soon ceased to be real party government and became a continual balance of coalitions. The system at last seemed impossible to the men working it, and therefore in 1864 they jumped at the chance offered by a conference of the Maritime Provinces held to discuss a maritime union; the British North America Act was drafted, rushed through the different Parliaments concerned, and the first big federation within the British Empire came into existence.

All federations differ from one another, not only in the apportionment of powers, but also in the spirit in which they are formed and worked. Canadian confederation came about owing to many causes—the need of railways, a growing feeling of national unity, fear of attack from the United States, and the impossibility of continuing the previous system—but the chief reason for its having been a confederation, and not a legislative union, was the existence in what became the Province of Quebec of a French-Canadian majority. As Siegfried says, the Quebec Act of 1774 was more a treaty than a law, and the treaty could not be broken in 1867; the French had to be guaranteed their language, their religion, and their other ancient and prized institutions. They were to be a minority in the new Dominion of Canada, but geographically they were indispensable, for they held the passage between the two English sections grouped by the Atlantic Ocean and round the Great Lakes.

It would be interesting to trace the development of Canadian confederation from 1867 to the present day, and to compare its growth with that of the United States, of Australia, and of South Africa. But the subject is one for a constitutional lawyer, not for an amateur historian.

However this can be said, federations do not stand still, there is a continuous change and growth in any Constitution, written or unwritten, rigid or elastic. In the United States this growth was controlled by the Supreme Court which sat at Washington, which was in close touch with the Administration and knew its difficulties. Therefore the development was continually towards a closer union than the framers of the Constitution had planned. Somewhat the same course has been followed in Australia, where the Federal High Court has considerably augmented the powers of the Federal Government. Canada has not had a Federal High Court until recently, and her constitutional difficulties have generally come, sooner or later, to the Court that is perhaps the most wonderful in the world—the only one, I believe, worshipped as a god by an Indian village—the Judicial Committee of the Privy Council. This Court sits removed by 3000 miles from the workings of the Canadian machine, and naturally has tried to follow rather than to alter the law. As a result the Canadian Dominion, which started as a far more centralised Government than did either the United States or the Australian Commonwealth, has not kept its respective distances from these; Australia has to-day in some respects as strongly centralised a Government as Canada. The real governors of a country often turn out to be men we never think of as rulers—perhaps the clerks who draft Bills for Parliament, perhaps the judges who interpret the resulting Acts, at all events Parliament does not rule alone.

Has Canadian federation failed to solve the racial question? That is a query in the minds of many to-day. One cannot give a definite answer to it any more than one can, in a history examination paper, answer some such question as, 'Was Napoleon the heir of the French Revolution?' by the single word 'yes'. There is one thing we should note about confederation and about the union of 1841, from which confederation sprang. Both

these measures contemplated the British as the dominant race; the British North America Act guaranteed the French Canadians their rights in the Province of Quebec but did not make the rest of the country bi-lingual; it does not seem to have entered into the minds of those framing the Bill, that the French would some time or other overflow Quebec and seek for new outlets in the Dominion. I think we may say that in Quebec French-Canadian national feeling has been fairly satisfied; the recent troubles have come not because of an attack by Ontario upon the French position in Quebec but because Ontario and Manitoba resolved to remain English-speaking provinces. Feeling has run high, there has been much violent language on both sides. But we make a serious mistake if we think that most Canadians, whether English or French speaking, do not put Canada first, and are not alive to the necessity of living together without feeling compelled to stab each other from behind. There is no single permanent solution for any problem of nationalism, for every nationality grows or dies, and both growth and death start the problem again in a new form. Canada's recent troubles are in a way her growing pains. They are due primarily to the resolve of the English-speaking provinces that the bulk of Canada shall choose an English rather than a French way of life, and to the natural unwillingness of French Canada to submit to this. The Ontario bi-lingual schools question, which has unfortunately stirred up so much trouble, arose out of Ontario's resolve to make English its language; the Ontario Government showed little tact and roused opposition that might have been avoided, but constitutionally it won its case in the Judicial Committee of the Privy Council, and unless something unforeseen should happen this decision will prevail eventually, and French Canada will admit that it must remain a minority, though a strong one, in a country mainly British. To say that is not to say that French will die out nor that it ought to die out.

From the existence of the two languages and literatures Canadian life should draw a variety and richness which it would not possess were all the provinces similar in speech and thought.

Constitutional progress is in the last instance dependent on two things: the struggle of differing principles within the state and the interplay of personal forces. I have tried to deal with the former aspect but have a word to say about the latter. Dominion politics are like British in one thing at least, that men are inclined to picture a bygone age as gilt if not golden, and to think that giants are not born into a world largely occupied in the study of microbes. There may be something in this, even though we exaggerate it. It is necessary only to read the debates on confederation in the Canadian House of Commons to see that Parliament then contained very able men, with possibly a higher average of eloquence than it has to-day. The men who built the house may have been better workmen than those who live in it and try to keep it in repair. But this fact, if fact it is, need not make us despond.

In the political history of any British Colony there are three stages, which we can call the periods of the official, of the immigrant, and of the native-born. At the beginning administration is in the hands of men sent from Great Britain for the specific purpose of government. They have generally been fairly able and well educated, and on the whole they have been honest, although Mr. R. C. Mills' book, 'The Colonisation of Australia,' expresses disbelief on this point. They have governed moderately well, but their government has had this defect, that their thoughts were concentrated not on the Colony but on Great Britain; they were temporary sojourners in a strange land, looking forward to retirement as the end of exile. Then came the second period, that of the immigrant. New settlers from Great Britain swarmed into the Colony intending to make it their home, clamorous for economic development, hard-

working, full of enterprise. In many cases they were well educated, often University men, wishing for a more varied career than seemed possible in England. By their energy, their devotion to an adopted land and the force of their ideas they became an important political factor; it was men of this type who brought about responsible government in both Canada and Australia, and who proved that the new system could work.

With the third period, that of the native-born, we reach the present day. Population grows so that immigrants are no longer the principal element, and Canada begins to develop her own politicians. They have not been trained in the Universities of Great Britain, frequently not in any University, and they are often men of little education. Where the immigrant thought in terms of Burke and Pitt, the new generation may not see beyond practical necessities. People in England often fail to realise how important to a country recently settled is the building of roads, canals, railways, in short all public works. Politics for a time seem to leave principles behind and to deal only with contracts. The truth is that the country is still at war with the wilderness, and in war as we all know communications are the main thing. But if politics are to be mainly concerned with public works, it is inevitable that they should be dull to men who care about issues of principle. The new generation, the native-born, not only lacks to some extent the education of the immigrant, but also where the immigrant sent his best into politics the native-born may send only the second best. Canadian politics, as a Canadian professor once said, are as dull as ditch water, and full of it. Well, politics are what we make them, but it is inevitable in a country needing material construction, clamouring first and foremost for public works, that politics should attract some of the least desirable elements in the country. Still the change from the immigrant to the native-born has its good side. The English-speaking leaders in confederation were many of them Canadian

by adoption rather than by birth; they may have been less vulgar than we are to-day, but their culture was exotic. If we are vulgar in these days we are at least indigenous; we are passing through an inevitable and rather crude stage on the way to a real national culture. Moreover, we have passed the worst of this stage and are improving. Corruption is often talked of in connection with Canadian politics, and undoubtedly there has been and probably still is corruption. But the fact that it is talked of openly as corruption and with indignation not condonement, is a good sign, and it is highly probable that there is less of it to-day than there is talk about it.

Coupled with the beginnings of a native culture goes a greater political alertness. In the last ten years Canadian opinion has become far more alive to big world questions than it was before. Not only is this true of the Atlantic sea-board and of Ontario, but what is more striking of the new inland provinces. The political and constitutional future of Canada to a great extent rests with its newest part, with the Western Provinces lying between Ontario and British Columbia. These provinces hold the balance of power between Ontario and Quebec. In them politics have a freshness and force probably greater than they have in the East; these new provinces are far enough removed from racial feeling to think of other things. Economic progress is not my theme, but it is worth noting that economic progress has a reflex in political thought. Any increase in the means of life means an increase in the possibility of thinking, and Canada needs thought more than anything else. Like all democratic countries she should join in Meredith's prayer, 'More brain, good Lord, more brain'. But the brain that she must use and through which the constitution will grow must be her own brain, native to the country and the product of the country's conditions. One cannot transplant intellect wholesale any more than one can transplant constitutions.

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# REPORT OF THE COUNCIL SESSION, 1916-17.

THE Council of the Royal Historical Society have the honour of presenting the following Annual Report to the General Meeting of the Fellows.

No great change is to be reported as having occurred in the past year. The number of resignations has been small considering the nature of the times, and the elections have been fairly numerous, though not equal in number to the great increase recorded last year. The high standard of recent years has been fully maintained in the elections, and a fair number of distingu shed American scholars have continued to join the Society. The Council cannot refrain from recording their satisfaction that the alliance imminent at the date of last year's Report has now been completed, and that all sections of the Anglo-British race are now arrayed side by side in defence of the historic liberties common to them all.

The Library has continued to increase through the generosity of Fellows, and again Dr. Prothero's kindness must be specially commemorated. He has given us in the course of the year no less than 108 volumes; Sir Harry Poland has also been a munificent benefactor, and, with other books, has given us the whole set of the Annual Register from the beginning down to the present time. In accordance with his wish the Council have undertaken to continue a subscription to the work. The gift of works of reference and of standard historical works, and especially of new publications controlled by their authors, is a means by which Fellows could materially increase the Society's usefulness.

The following papers were read in the course of the Session 1916-17 :—

'The India Board.' By William Foster, C.I.E. (November 16, 1916.)

'The Historical Manuscripts at Lambeth.' By the Rev. Claude Jenkins, M.A., F.S.A., Lambeth Librarian. (December 21, 1916.)

'Duelling and Militarism.' By A. Forbes Sieveking, F.S.A. (January 18, 1917.)

'The Derwentdale Plot, 1663.' By the Rev. Henry Gee, D.D., F.S.A., Master of University College, Durham. (March 15, 1917.)

'Charles V and the Discovery of Canada.' By H. P. Biggar, of the Canadian Archives. (April 19, 1917.)

'The Mission of M. Thiers to the Neutral Powers in 1870.' By J. Holland Rose, Litt.D. (May 9, 1917.)

At the Annual Meeting on February 15, 1917, the President, Professor C. H. Firth, delivered an address dealing with the relations between England and Austria from mediæval to modern times.

The Alexander Medal was awarded to Miss I. D. Thornley, B.A., for an essay on 'The Treason Legislation of Henry VIII' (1531-34), which was read on June 21, 1917.

The above papers, with the President's address and the Alexander Prize Essay, have been published in *Transactions*, Third Series, vol. xi.

The following volumes of *Transactions* and *Publications* have been issued since the last Annual Meeting :—

*Transactions* (Third Series), vol. xi.

Camden, Third Series, vol. xxvii. *Henry of Bray's Estate Book*, 1289-1340 (Harlestone, Northants), edited by Miss Dorothy Willis.

Camden, Third Series, vol. xxviii. *Memoirs of the Families of Raymond and Guise* (17th-18th centuries), edited by G. Davies, M.A., F.R.Hist.S.

The *Magna Carta Papers*, contributed by authorities on the period in this country and abroad, have been edited, with an Introduction, by Mr. H. E. Malden, Vice-President and Honorary Secretary of the Royal Historical Society, printed at the expense of the Society, and distributed to the Fellows as an extra volume. They include the eloquent lecture delivered to the Society in 1915 by Professor McKechnie.

The following volumes of *Publications* are in active preparation :—

Camden, Third Series, vols. xxix. and xxx. *Stonor Letters and Papers* (14th-15th centuries), edited by C. L. Kingsford, M.A., F.S.A., vol. xxxi. *The Camden Miscellany* (vol. 13). Camden, New Series, vol. lxiii. *The Nicholas Papers* (vol. 4), edited by Sir G. F. Warner, D.Litt., F.S.A.

The ever-increasing rise in wages and cost of materials connected with publishing operations has involved a considerable increase of expenditure in connection with the issue of the *Transactions* and *Publications* of the Society during the last three years. The scarcity of labour has also caused some delay in the issue of the volumes published during this period. The Council have given careful attention to these matters and have decided to make arrangements for the printing to be undertaken by country firms, and a considerable saving on current London prices is anticipated in this direction.

The evening lectures during this Session have again proved a considerable attraction to the Fellows and their friends, but it is

hoped that the former will increase their efforts to make the Papers and Lectures of the Society more widely appreciated.

The following Lectures dealing with European Congresses and Treaties were delivered :—

1648. Peace of Westphalia and the Modern European State System. By Sir John Macdonell, K.C.B., LL.D.
1713. The Break-up of the Spanish Empire. By Professor F. J. C. Hearnshaw, M.A., LL.D., F.R.Hist.S.
1763. The Peace of Paris. By F. W. Reddaway, M.A., F.R.Hist.S.
1814-15. Congress of Vienna. By Professor C. H. Firth, LL.D., Litt.D., M.A., F.R.Hist.S.
1856. Treaty of Paris. By C. Grant Robertson, M.A., F.R.Hist.S.
1878. Treaty of Berlin. By J. Holland Rose, Litt.D., F.R.Hist.S.

A course has been arranged for the coming spring upon The Constitutional Development of the Dominions, India, and the Crown Colonies.

The Council received during the last Session the news of the lamented death of the Rev. A. P. Spencer-Smith, who died in the Antarctic, sacrificing his life in an heroic adventure as truly as those have done who have perished in the war.

The Council also record with extreme regret the death of our distingui hed Corresponding Member, Professor Villari, of Florence, at an advanced age, a survivor to 1917 of the great days of the *Risorgimento ;* also the death of C. N. S. Woolf, M.A., Fellow of Trinity College, Cambridge, killed in action in November last.

At the Annual General Meeting in February, 1917, Professor Firth, LL.D., etc., resigned the office of President, which he had held for the usual term of four years. The Council wish, in the name of the whole Society, to record their hearty thanks to Professor Firth for his services, and their warm appreciation of the courtesy and the ability with which he filled the office of President, and for the admirable Presidential addresses which he delivered yearly.

Professor Oman, M.A., F.B.A., F.S.A., was unanimously elected President in succession to Professor Firth.

The following were nominated and elected Honorary Vice-Presidents :—

Professor C. R. Beazley, D.Litt., F.R.G.S. ; W. J. Corbett, M.A. ; The Rt. Hon. H. A. L. Fisher, M.P., M.A., F.B.A. ; Rev. Henry Gee, D.D. ; Professor Haverfield, M.A., LL.D., F.S.A., F.B.A. ; Sir Sidney Lee, Litt.D., F.B.A. ; Sir Harry Poland, K.C. ; the Rt. Hon. Rowland E. Prothero, M.P., M.A., M.V.O. ; Sir James H. Ramsay, Bt., M.A., F.B.A.

The following Vice-Presidents retired in rotation, in accordance with By-Law XVII. : Oscar Browning, M.A., His Eminence Cardinal Gasquet, D.D., and were elected Honorary Vice-Presidents.

The Council nominated as Vice-Presidents :—

Professor Firth (the retiring President) ; J. F. Chance, M.A. ; The Hon. J. W. Fortescue, M.V.O. ; R. G. Marsden, M.A. ; Professor Pollard, M.A., Litt.D., and they were elected.

The following Members of Council retired in rotation under By-Law XVII. :—

Professor F. J. C. Hearnshaw, M.A., LL.D. ; A. G. Little, M.A. ; H. W. V. Temperley, M.A. ; William J. Corbett, M.A., and were re-elected, with the exception of Mr. Corbett, who was elected an Honorary Vice-President.

The following were also nominated and elected Members of Council :—

Ernest Barker, M.A. ; Sir Julian S. Corbett, LL.M. ; H. W. C. Davis, M.A. ; Professor H. E. Egerton, M.A. ; G. T. Lapsley, M.A. ; A. Forbes Sieveking, F.S.A. ; Rev. J. P. Whitney, M.A.

Colonel Lloyd retired last year from the position of Auditor for the Council, and was succeeded by Mr. A. F. Sieveking. The place of the latter as Auditor for the Fellows has been kindly taken by Mr. W. Page. The Council desire to return their thanks to Colonel Lloyd for his services.

The Secretary reports that the total membership of the Society on October 31, 1917, including Honorary, Corresponding, Life, and Ordinary Fellows, and Subscribing Libraries was 836. Of this number sixteen were Honorary Fellows, twenty-six were Corresponding Members, and eighty-six were Life Fellows. The annual subscriptions are received from Ordinary Fellows paying £1 1*s.* under the old regulations ; former members of the old Camden Society and Subscribing Libraries paying £1 ; and Fellows paying the Statutory subscription of £2 2*s.*

There are fifty-nine British and Foreign Societies which exchange *Transactions* with the Royal Historical Society.

The Treasurer reports that the Income of the past year exceeded the Expenditure by £144 6*s.* 1*d.*

The Auditors report that they have examined the statement of Income and Expenditure, together with the Balance-sheet appended to this Report, and have certified the same to be correct from their inspection of the books and vouchers.

# ROYAL HISTORICAL SOCIETY.

## I.—Income and Expenditure Account relating to the Year ending October 31, 1917.

| *Income.* | £ | s. | d. | *Expenditure.* | £ | s. | d. |
|---|---|---|---|---|---|---|---|
| Subscriptions of 1914: 1 at 42s. | £2 2 0 | | | Publications: Printing and Distributing | £412 1 6 | | |
| „ 1915 1 at 20s. | 1 0 0 | | | Editing and Indexing | 3 3 0 | | |
| „ „ 1 at 42s. | 2 2 0 | | | | £415 4 6 | | |
| „ 1916: 4 at 20s. | 4 0 0 | | | *Less* received from Sales | 9 16 7 | | |
| „ „ 13 at 42s. | 27 6 0 | | | | | 405 | 7 11 |
| | £36 10 0 | | | Salaries of Director and Assistant Secretary and travelling expenses of Hon. Secretary | 300 6 8 | | |
| *Less* amount estimated to be received in last year's accounts for subscriptions in arrear | 20 0 0 | | | Wages | 74 15 0 | | |
| Subscriptions in arrear, received in excess of estimate | | 16 | 10 0 | | | 375 | 1 8 |
| Subscriptions now in arrear estimated to be received | | 24 | 0 0 | Rent of Premises, 22 Russell Square | | 170 | 0 0 |
| Subscriptions of 1917: 205 at 20s. | 205 0 0 | | | Coal | | 22 | 8 0 |
| „ „ 27 at 21s. | 28 7 0 | | | Electric Light | | 4 | 13 2 |
| „ „ 424 at 42s. | 890 18 0 | | | Rates (Parochial, etc., and Taxes) | | 81 | 11 10 |
| | | 1123 | 15 0 | General Printing and Stationary | | 39 | 2 3 |
| Life subscriptions: 3 at £21 | 63 0 0 | | | Library: Books, Periodicals, and Binding | | 19 | 8 9 |
| *Less* proportion required by By-Law IX. to be invested (see Balance-sheet) | 42 0 0 | | | Postages, etc. | | 25 | 1 7 |
| | | 21 | 0 0 | Sundries (Petty Cash payments) | | 21 | 3 9 |
| Dividends on Russian 4 % Bond (Alexander Trust) | | 2 | 19 3 | Advertising | | 4 | 1 6 |
| „ Consols | | 13 | 2 4 | Insurance (Fire, Aircraft, etc.) | | 9 | 12 9 |
| „ India 3½ % Stock | | 23 | 12 8 | Monthly Meetings (cost of Refreshments) | | 9 | 0 9 |
| „ Canada 3½ % Stock | | 8 | 8 9 | Alexander medal | | 3 | 3 0 |
| „ War Stock 5 % | | 13 | 17 9 | | | 1189 | 16 11 |
| Interest on Deposit Account at Bank | | 4 | 16 9 | Balance, being excess of Income over Expenditure for the year ending October 31, 1917, carried to Balance-sheet | | 144 | 6 1 |
| Historical Association | | 16 | 10 0 | | | | |
| British Archæological Association | | 30 | 0 0 | | | | |
| American Historical Society | | 32 | 0 0 | | | | |
| Surrey Archæological Society | | 2 | 9 6 | | | | |
| Sundry small receipts | | 1 | 1 0 | | | | |
| | £1334 | 3 | 0 | | £1334 | 3 | 0 |

## ROYAL HISTORICAL SOCIETY.

### II.—Balance-sheet of Liabilities and Assets at October 31, 1917.

| *Liabilities.* | | | £ | s. | d. |
|---|---|---|---|---|---|
| Life subscriptions required to be invested as Capital Account (By-Law IX.): amount brought forward from last Balance-sheet | £1374 | 0 0 | | | |
| Proportion of Life subscriptions received in 1917 (see Income and Expenditure Account) | 42 | 0 0 | | | |
| | | | 1416 | 0 | 0 |
| [Represented by Consols, India 3½ °/₀ Stock, Canada 3½ °/₀ Stock, War Stock 5 °/₀, and Cash on Deposit—see *contra*] | | | | | |
| Alexander Trust Fund [Russian 4 °/₀ Bond—see *contra*] | | | 98 | 17 | 6 |
| Subscriptions received in advance | | | 26 | 4 | 0 |
| Amount due to Messrs. Spottiswoode, not yet paid | | | 150 | 0 | 0 |
| ,, ,, *Hereford Times* ,, ,, | | | 120 | 0 | 0 |
| ,, ,, for Magna Carta volume ,, ,, | | | 130 | 0 | 0 |
| Balance, being surplus of Assets over Liabilities at date, viz., amount brought forward from last year | £2493 | 6 11 | | | |
| *Add* Excess of Income over Expenditure as shown by Income and Expenditure Account | 144 | 6 1 | | | |
| | | | 2637 | 13 | 0 |
| | | | £4578 | 14 | 6 |

| *Assets.* | | | £ | s. | d. |
|---|---|---|---|---|---|
| Consols 2½ °/₀ £699 9*s.* 9*d.* current value | | | 400 | 0 | 0 |
| India 3½ °/₀ Stock £900 at cost | | | 847 | 16 | 6 |
| Canada 3½ °/₀ Stock £300 at cost | | | 285 | 1 | 0 |
| Russian 4 °/₀ Bond | | | 98 | 17 | 6 |
| War Stock 5 °/₀ £450 at cost | | | 410 | 8 | 9 |
| Cash at Bank: Current a/c | £365 | 10 4 | | | |
| ,, Deposit Account | 145 | 13 2 | | | |
| Petty Cash Balance in hand | 1 | 7 3 | | | |
| | | | 512 | 10 | 9 |
| Stock of Publications at Russell Square (value as insured) | | | 100 | 0 | 0 |
| Stock of Publications with Messrs. Spottiswoode, Ballantyne & Co. and Messrs. W. H. Smith & Son (value as insured) | | | 500 | 0 | 0 |
| Library (value as insured) | | | 1000 | 0 | 0 |
| ,, Manuscripts (value as insured) | | | 100 | 0 | 0 |
| Furniture, etc. | | | 300 | 0 | 0 |
| Subscriptions in arrear estimated to be received (see Income and Expenditure Account) | | | 24 | 0 | 0 |
| | | | £4578 | 14 | 6 |

(*Signed*) Henry R. Tedder, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct.

(*Signed*) Wm. Page,
J. Foster Palmer,
A. Forbes Sieveking,
} *Auditors.*

*29th November*, 1917.

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Luck, H. Courtenay, F.R.G.S., J.P., Courtenay, Zillmere, Brisbane, Queensland.

Lybyer, Professor A. H., University of Illinois, Urbana, Ill., U.S.A.
* Lydall, John French, 37 John Street, Bedford Row, W.C.
Lyell, J. P. R., J.P., Inchyra, West Heath Drive, Hampstead, N.W.
* Lyle, Thomas, M.A., The Hollies, 41 Beckenham Road, Beckenham, Kent.

MacArthur, Miss E. A., Litt.D., 10 Huntingdon Road, Cambridge.
MacDermot, T. B., B.A., LL.D., 124 Grange Avenue, Oldham.
* Macfadyen, Rev. Dugald, Chembong, Lytton Avenue, Letchworth.
McIlwain, C. H., Standish Hall, Cambridge, Mass., U.S.A.
McLaughlin, Professor A. C., The University, Chicago, U.S.A.
Mackie, J. D., M.A., Pitcairnie, Park Place, Dunfermline.
McNaara, Wm. H., 29 Campbell Road, Walthamstow.
Magrath, C. J., M.A., Hon. D.Litt., 16 Stanhope Gardens, S.W. 7.
Maguire, T. M., M.A., LL.D., c/o Royal United Service Institution, Whitehall, S.W.
Malden, Henry Elliot, M.A., *Hon. Sec.*, 17 Rose Hill, Dorking.
Malden, Rev. R. H., M.A., Tankersley Rectory, Hoyland Common, Yorks.
Marriot, W. K., Abbey Lodge, Chertsey, Surrey.
Marsden, E., B.A., F.R.G.S., 12 Ellerdale Road, Hampstead, N.W.
* Marsden, R. G., M.A., 13 Leinster Gardens, Lancaster Gate, W.
Marsh, G. W. B., B.A., 40 Tachbrook Street, S.W.
* Marten, C. H. K., M.A., Eton College, Windsor.
Marvin, F. S., M.A., H.M.I., The Dyke, Berkhamsted, Herts.
* Mason, Rev. W. A. Parker, M.A., The Hulme Grammar School, Alexandra Park, Manchester.
Mathews, E. R. N., Public Libraries, Bristol.
Mathur, Tikait Narain, B.A., 63/9 Chili-end Road, Agra, India.
Maxwell, Miss C., M.A., 16 Cosway Street, Marylebone Road, W.
Mayo, Rev. Canon C. H., M.A., Lime Tree House, Gillingham, Dorset.
Mercier, Miss W. L., The University, Manchester.
Merriam, C. P., 79 Highbury New Park, N.
Merriman, Professor Roger B., M.A., 175 Brattle Street, Cambridge, Mass., U.S.A.
Methley, Miss V. M., 9 Royal York Crescent, Clifton, Bristol.
Milward, V. G., 77 Colmore Row, Birmingham.
Montague, Professor F. C., 177 Woodstock Road, Oxford.
Moon, Zebedee, Public Library, Leyton.
* Moore, Norman, M.D., 67 Gloucester Place, Portman Square, W.
Morris, A., Gwynfa, Gold Tops, Newport, Mon.
Morris, G. J., M.A., Bangalore, 2 Harrington Road, Brighton.
Morris, J. E., D.Litt., 2 Rothsay Gardens, Bedford.
Morrison, Rev. Archdeacon G. W., M.A., Kumassi, Ashanti, West Africa.
Morrison, Hew, LL.D., Public Library, Edinburgh.
Mullens, W. H., Westfield Place, Battle, Sussex.
Mumby, F. A., 34 Avenue Chambers, Bloomsbury Square, W.C., 1.
Munich, Charles J., The War Office, Whitehall, S.W.
Munro, J. J., 153 Preston New Road, Blackburn.
Myres, Rev. M. W., M.A., The Vicarage, Frodsham, Cheshire.

Neve, A. H., Pinnacles, Tonbridge.
Nevill, Rev. Canon E. R., B.A., 6 Heriot Road, Dunedin, New Zealand.
Newett, Miss Margaret, San Vio 584, Fondamenta Bragadin, Venice, Italy.
Newland, H. O., 79 Mount Nod Road, Streatham, S.W. 6.
Newton, A. P., M.A., B.Sc., King's College, Strand, W.C.
Nijhoff, Martinus, The Hague, c/o Dawson & Son, St. Dunstan's House, Fetter Lane, E.C.
Noakes, Miss J., 4 Aynhoe Mansions, Brook Green, W. 14.
Norgate, Rev. T. T., F.R.G.S., The Church House, Westminster Abbey, S.W.
Nuttall, J. R., Thornfield, Lancaster.

O'Connor, Major G. B., Illane Roe, Rochestown, Co. Cork.
Odgers, W. Blake, M.A., LL.D., K.C., 15 Old Square, Lincoln's Inn, W.C.
* Oke, A. W., B.A , F.S.A., 32 Denmark Villas, Hove, Sussex.
Oman, Professor C. W. C., M.A., F.B.A., F.S.A. (*President*), All Souls College, Oxford.
Omond, G. W. T., M.A., White Cottage, Mitcham, Surrey.
O'Regan, J. R. H., M.A., Marlborough College, Wilts.
Osborn, J. Lee, Bevis, Great Somerford, near Chippenham, Wilts.
Owen, Hugh, M.A., Aranfa, Holywell, N. Wales.
Owen, R. K. W., M.A., Highfield, 19 Upper Maze Hill, St. Leonards-on-Sea.

Page, W., F.S.A. (*Auditor*), Frognal Cottage, Frognal, Hampstead, N.W.
Palmer, James Foster, M.R.C.S.E. (*Auditor*), 8 Royal Avenue, Chelsea College, S.W.
Pape, F. J., Cockermouth, Cumberland.
Parker, H., F.R.G.S., 45 Whitcomb Street, W.C.
* Parker, L. N., F.R.A.M., 3 Pembroke Road, Kensington, W.
Parkin, Thomas, M.A., F.R.G.S., Fairseat, High Wickham, Hastings.
* Parr, J. Charlton, Grappenhall Heyes, Warrington.
Patterson, James K., Ph.D., LL.D., President of the State University, Lexington, Kentucky, U.S.A.
Paul, J. N. W., B.A., Robertson College, Jubbulpore, India.
Peel, Rev. Albert, M.A., Litt.D., Great Harwood, Lancs.
Penn, C. D., M.A., 62 Sandmere Road, Bedford Road, Clapham, S.W. 4.
Penney, Arthur Paul, 75 Goldington Avenue, Bedford.
Penney, Norman, F.S.A., Devonshire House, Bishopsgate, E.C.
Perkins, Rev. J., M.A., 4 Dean's Yard, Westminster, S.W.
* Perry, Colonel Ottley, J.P., F.R.G.S., F.S.A., Roxwell, Northwood, Middlesex
Pflugk-Harttung, Professor Dr. Julius von, 23 Spenerstrasse, Berlin, N.W.
* Phelps, Rev. P. B., M.A., Calanda Club, 35 St. George's Square, S.W.
Phillips, T. W., 97 Croxted Road, Dulwich, S.E. 21.
Phillips, Professor U. B., University of Michigan, Ann Arbor, Mich., U.S.A.
Pierce, Rev. F. Dormer, M.A., The Vicarage, Southend-on-Sea.
Piggott, Sir F. T., M.A., LL.M., 14 Old Square, Lincoln's Inn, W.C.
* Pike, Rev. Clement E., 13 Taunton Road, Bridgwater.
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Poland, Sir Harry, K.C., 28 Sloane Gardens, S.W.
* Polignano, Duke of, Manor House, Brampton, Huntingdon.

* Pollard, Professor A. F., M.A., Litt.D., Branksea, 7 St. Mary's Grove, Barnes Common, S.W.
Pollock, Right Hon. Sir F., Bt., LL.D., F.S.A., 13 Old Square, Lincoln's Inn, W.C.
Pond, P. J., St. Margaret's, Corbett Avenue, Droitwich.
Pope, F. J., 17 Holland Road, Kensington, W.
* Porges, Theodore, F.R.G.S., 17 Avenue Friedland, Paris.
Powell, Ellis T., LL.B., D.Sc., Rosedene, Brondesbury Park, N.W.
Powell, Miss H. L., 44 Foxley Road, S.W.
Power, Miss E. E., M.A., Girton College, Cambridge.
Powicke, Professor F. M., M.A., 42 Malone Park, Belfast.
Powley, E. B., B.A., 227 Cromwell Road, Peterborough.
Pratt, A. T. C., 6 Templar Street, Camberwell, S.E.
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Prothero, M. E. D., M.A., 2 Talbot Road, W. 2.
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Ray, J. E., Hollingside, Stanley Road, Hastings.
* Reddaway, William F., M.A., King's College, Cambridge.
Redstone, V. B., Mill Hill, Woodbridge.
Rees, W., M.A., 35 Chester Road, Wanstead, N.E.
Reichel, Sir H. R., M.A., Principal, University College, Bangor.
Reid, Miss R. R., M.A., D.Litt., 4 Grange Road, Gunnersbury, W.
Renshaw, Walter Charles, K.C., Sandrocks, Haywards Heath.
Rickword, G., 38 Wellesley Road, Colchester.
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* Robinson, Wilfrid C., 1 St. Luke's Road, Bayswater, W. 1.

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Rose, J. Holland, Litt.D., Walsingham, Millington Road, Cambridge.
* Rosebery, Earl of, K. T., K.G., F.R.S., 38 Berkeley Square, W.
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Routledge, F. J., M.A., 12 Chesterfield Road, Great Crosby, Lancs.
* Routledge, Mrs. Scoresby, M.A., Ewers, Bursledon, Hants.
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Sadler, H. W. W., The High School, Swindon.
* Safford, John Burham, F.G.S., 18 Elgin Road, Wallington, Surrey.
St. Cyres, Viscount, Pynes, Exeter.
* Salter, F. R., M.A., Magdalene College, Cambridge.
Samaddar, J. N., Patna Government College, Moradpur P.O., Patna, India.
Sands, H., F.S.A., The Moat, Charing, Kent.
Saunders, H. W., M.A., 33 St. James Road, West Croydon.
Scofield, Miss Cora L., The College Club, 40 Commonwealth Avenue, Boston Mass., U.S.A.
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* Seebohm, Hugh Exton, Poynders End, Hitchin.
Seton, W. W., M.A., University College Hall, Ealing, W.
Shaw, W. B., 56 Sandy Lane, Stretford, Manchester.
* Shawcross, G. W., M.B.E., Lakelands, Rivington, Lancs.
Shawcross, Rev. J. P., M.A., Bengeworth Vicarage, Evesham, Worcs.
Shelley, Sir J. C. E., Bt., Avington, Alresford, Hants.
Shelley, R. J. A., Denbie House, Formby, Lancs.
Sherren, John Angel, J.P., Penn Hill Avenue, Parkstone, Dorset.
Shirley, F. J., B.A., Invergordon, Ross, N.B.
Sievek.ng, A. Forbes, F.S.A. (*Auditor*), 12 Seymour Street, Portman Square, W.
Silvester, Rev. J., M A., The Vicarage, Clacton Magna, Essex.
Simon, A. L., 24 Mark Lane, E.C.
Simpson, F. A., M.A., Trinity College, Cambridge.
* Simpson, Alfred, 32 Brompton Square, S.W.
Skeel, Miss C. A. J., Litt.D., Holly Hedge Cottage, Well Road, Hampstead, N.W
Skipton, H. P. K., Cruden House, Brackley Road, Beckenham, Kent.
Skrine, F. H., 147 Victoria Street, S.W.
Smart, F. W. B., Charterhouse, Godalming.
Smith, A. D., The Ivies, Willingham, Cambridge.
Smith, A. L., M.A., Master of Balliol College, Oxford.
* Smith, Miss M. Howes, County High School for Girls, Altrincham, Cheshire.
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Smythe, David M., Methuen Castle, Perth.
Snowball, F. C., M.A., Hele's School, Exeter.
Soper, H. T., The Monastery, 19 Waverley Avenue, Exeter.

Sotheran, H. C., 5 Cheyne Walk, Chelsea, S.W.
Southam, Lionel Arthur Clement, Rodney House, Malvern Link.
Spens, H. B., B.A., 25 Park Circus, Glasgow.
Sprules, Miss D. W., County School for Girls, Tonbridge.
* Stampa, L., M.A., 33 High Street, Oxford.
Stanley, Rev. J., 71 St. George's Square, S.W.
Stenton, F. M., M.A., University College, Reading.
Stewart, Murray, Conservative Club, St. James's Street, S.W.
Sturdee, Rev. R. J., M.A., St. Peter's Vicarage, Loughborough.
Swift, F. D., M.A., Denstone College, Stafford.

Talboys, R. St. Clair, M.A., Wellington College, Berks.
Tanner, Miss E. M., M.A., Locksbrook, Nuneaton.
Tanner, J. R., M.A., Litt.D., St. John's College, Cambridge.
Tate-Stoate, Rev. W. M., M.A., M.R.I.A., Pebworth Vicarage, Stratford-on-Avon.
Tatham, G., M.A., Trinity College, Cambridge.
Tawney, R. H., 28 Parliament Hill Mansions, Highgate Road, N.
* Taylor, E. R., F.S.A., Norfolk House, Norfolk Street, Strand, W.C.
TEDDER, H. R., F.S.A. (*Treasurer*), The Athenæum, Pall Mall, S.W.
* TEMPERLEY, H. W. V., M.A., Peterhouse, Cambridge.
Terry, Rev. G. F., F.S.A., F.R.S.L., St. John's Rectory, 10 Learmonth Terrace, Edinburgh.
Thayer, W. R., LL.D., Litt.D., 8 Berkeley Street, Cambridge, Mass, U.S.A.
Thistlethwaite, B., St. John's House, York.
Thomas, Roland, 3 Harp Terrace, Brecon.
Thompson, Miss A. D., The High School for Girls, Dover Street, Manchester.
Thomson, Miss C. L., 6 Ingoldsby Mansions, Addison Bridge, W.
Thomson, Miss G. Scott, 12 Merton Street, Oxford.
Thornton, Rev. Canon F. S., Shudy Camps Hall, Bartelow, Cambs.
Thorp, John T., F.R.S.L., Brunswick House, 54 Princes Road, Leicester.
Titcombe, Rev. J. C., Seckford Hospital, Woodbridge.
Toller, T. Northcote, M.A., D.Litt., Lansdowne House, Didsbury, Manchester.
Torr, Herbert James, Morton Hall, Swinderby, Lincs.
Tout, Professor T. F., F.B.A., M.A., 1 Oak Drive, Fallowfield, Manchester.
Toynbee, Paget, M.A., D.Litt., Fiveways, Burnham, Bucks.
Toyne, S. M., M.A., St. Peter's School, York.
* TREVELYAN, G. M., 2 Cheyne Gardens, S.W.
TREVELYAN, Right Hon. Sir G. O., Bt., O.M., D.C.L., LL.D., F.B.A., Welcombe, Stratford-on-Avon.
Turner, Professor E. R., University of Michigan, Ann Arbor, Mich., U.S.A.
Turner, Fred A., Killarney, Windmill Road, Brentford, W.
Turner, G. Lyon, M.A., Wheatham Hill, Hawkley, Liss, Hants.
Turral, J., B.A., 37 Raikes Parade, Blackpool.
* Turton, Robert Bell, Kildale Hall, Grosmont, Yorks.

Unwin, Professor G., M.A., 47 Heaton Road, Withington, Manchester.

Van Tyne, Professor C. H., University of Michigan, Ann Arbor, Mich., U.S.A.
Varma, H. H. Rama, M.R.A.S., Raja of Chirakkal, Chirakkal, Baliapatam, India.
Vaughan, W. W., M.A., Wellington College, Berks.

Ventura, M., 17 Coleman Street, E.C.
Verney, Lady, Rhianva, Menai Bridge.
* Vickers, K. H., M.A., The Mining Institute, Westgate Road, Newcastle-upon-Tyne.
Vinogradoff, Professor Sir Paul, F.B.A., LL.D., 19 Linton Road, Oxford.

Wade, C. E., M.A., 7 St. John's Wood Road, N.W. 8.
* Wagner, Henry, F.S.A., 13 Half Moon Street, Piccadilly, W.
Wake, Miss Joan, Courtenhall, Northampton.
Walston, Sir Charles, Litt.D., Ph.D., Newton Hall, Newton, Cambridge.
Wale, W., 112 South Hill Park, Hampstead, N.W.
* Walker, Robert, F.R.G.S., Westry, Combe Down, Bath.
* Wallace, Sir Donald Mackenzie, K.C.I.E., K.C.V.O., 26 Park Mansions, Knightsbridge, S.W. 1.
Wallace, Malcolm W., 91 Walmer Road, Toronto, Canada.
Ward, Sir Adolphus William, F.B.A., Litt.D., LL.D., Master of Peterhouse Cambridge.
Ward, Rev. Canon Bernard, St. Edmund's College, Old Hall, Ware.
Watson, E. J., St. John's Arch, Bristol.
Watson, W. G. Willis, 38 Park Road, Polsloe Park, Exeter.
* Watts, Rev. Herbert C., Kinross, Oxford Road, Burnham-on-Sea, Som.
Weaver, F. J., Coggeshall Road, Braintree, Essex.
Webb, Sidney, LL.B., 41 Grosvenor Road, Westminster, S.W.
Webb, T., 45 High Street, Andover.
Webb, W. H., 29 Waldeck Road, Nottingham.
Webster, C. K., M.A., 22 Canning Street, Liverpool.
Weil, Commandant M. H., 3 Rue Rabelais, Paris.
Weiner, A., M.A., 40 Bergholt Crescent, Amherst Park, N. 16.
Welldon, Right Rev. Bishop, D.D., Dean of Manchester.
Wesley, E. F., 28 Essex Street, Strand, W.C.
Whale, George, 18 Vanbrugh Park, Blackheath, S.E.
* Whatton, J. S., M.A., Hennapyn House, Torquay.
Wheeler, H. F. B., Hartlebury, Roy Road, Northwood, Middlesex.
Whitear, W. H., 10 Fairlawn Court, Chiswick, W. 4.
Whitehead, A. W., Orchard End, The Orchard, Bedford Park, W.
Whiteley, J. G., 223 West Lanvale Street, Baltimore, U.S.A.
Whitfield, A. S., 16 High Street, Walsall, Staffs.
Whiting, Rev. C. E., M.A., B.D., B.C.L., St. Chad's Hall, Durham.
Whitley, Rev. W. T , LL.M., LL.D., The Elms, 2 Ombersley Street, Droitwich.
Whitney, Rev. J. P., M.A., B.D., D.C.L., 9 Well Walk, Hampstead, N.W.
Whittuck, E. A., M.A., B.C.L., J.P., 77 South Audley Street, W. 1.
Whitwell, Robert J., B.Litt., 69 Banbury Road, Oxford.
Wilberforce-Bell, Captain H., c/o Messrs. Cox & Co., Hornby Road, Bombay, India.
Wilkinson, M., M.A., 9 Upton Park, Slough, Berks.
Willard, Professor J. F., University of Colorado, Boulder, Col., U.S.A.
Willcock, Rev. J., D.D., D.Litt., St. Ringan's Manse, Lerwick.
Williams, A. J., M.A., Burton Bank, Mill Hill, N.W.
Williams, Rev. A. T. P., M.A., Second Master's House, The College, Winchester
Williams, Basil, M.A., Savile Club, 107 Piccadilly, W.

Williams, G. D., 73 Aberdare Gardens, Hampstead, N.W.
Williams, J. W., B.A., Sherwood, Eastwick, Great Bookham.
Williams, R., M.A., The University, Allahabad, India.
Williams, W. L., M.P., K.C., 111 Ashley Gardens, S.W.
Williams, W. W., Constable Lee C. E. School, Burnley Road, Rawtenstall, Lancs.
Williamson, A., M.A., 63 Grosvénor Road, Rathgar, Dublin.
Wills-Sandford, Miss Mary, 40 St. Giles, Oxford.
Wilmot-Buxton, Miss E. M., 132 Haverstock Hill, N.W. 3.
Wilson, A. E., M.A., 101 Westminster Road, Handsworth, Birmingham.
Wilson, H. W., 203 Elgin Avenue, W.
* Wilson, Rev. S. G. F., Gordon Lodge, South Benfleet, Essex.
Winstanley, D. A., M.A., Trinity College, Cambridge.
Wood, William, 1 Myrtle Villas, Polperro, Cornwall.
Wordsworth, Rev. Prebendary C., M.A., Sub-Dean of Salisbury, St. Nicholas's Hospital, Salisbury.
* Worsfold, Thomas Cato, M.A., F.R.S.L., LL.D. (*Hon. Solicitor*), Hall Place, Mitcham, Surrey.
Wrong, Professor G. M., M.A., The University, Toronto, Canada.

Yate, Lieut.-Colonel A. C., F.R.G.S., Beckbury Hall, Shifnal, Salop.
Yorke, Philip Chesney, 98 Addison Road, W.

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Kenyon, Sir F. G., K.C.B., D.Litt., Ph.D., P.B.A., Director and Principal Librarian, British Museum, W.C.

Lee, Sir Sidney, F.B.A., Litt.D., 108 Lexham Gardens, W. 8.

Liversidge, Professor A., M.A., F.R.S., LL.D., Fieldhead, George Road, Coombe Warren, Kingston, Surrey.

* Lyte, Sir H. C. Maxwell, K.C.B., M.A., F.B.A., Deputy Keeper of the Public Records, 61 Warwick Square, S.W.

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Montjau, M. Edouard de, Society of Ethnography, Paris.

* Poole, R. L., M.A., LL.D., Litt.D., Keeper of the Archives, The Museum House, Oxford.

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Blok, Professor J., The University, Leiden.
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Cartellieri, Professor A., Forstweg 19, Jena.

Delachenal, Professor R., 4 Rue de Babylone, Paris (VIIe).

Fournier, Professor A., Schottenring 25, Vienna.
Freire, B. Braamcamp, Rue do Salitre 146, Lisbon.

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Liebermann, Professor Felix, Ph.D., LL.D., 10 Bendlerstrasse, Berlin, W.

Marczali, Professor H., The University, Budapest.
Meyer, Professor A. O., Johann Albrechtstrasse 15, Rostock.
Michael, Professor W., Maria Theresiastrasse 3, Freiburg i/B.

Pirenne, Professor H., 126 Rue Neuve St. Pierre, Ghent.

Ravenell, H. E., Spartanburg, South Carolina, U.S.A.

Sarolea, Professor Charles, Belgian Consulate, Edinburgh.
Schäfer, Professor W., Friedrichstrasse 7, Steglitz, Berlin.

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Canterbury, Dean and Chapter Library.
Cardiff Public Library.
Carlisle Public Library, Castle Street, Carlisle.
Chiswick Public Library, Duke's Avenue.

Dewsbury Public Library.
Dublin, King's Inn Library.
National Library of Ireland, Kildare Street.
Royal Irish Academy, 19 Dawson Street.
Trinity College.
Durham University.

Edinburgh, Advocates' Library.
Library of the Writers to the Signet.
University.

Glasgow, Baillie's Institution, 153 West Regent Street.
Faculty of Procurators Library, 62 St. George's Place.
Mitchell Library, 21 Miller Street.
University Library.
Gloucester Public Library, Brunswick Road.
Grimbsy Public Library.

Hawarden, St. Deiniol's Library.
Hove Public Library.

Ireland, National Library of (*see* Dublin).

Leeds Church Institute.
Leeds Library, Commercial Street, Leeds.
Leicester Free Library, Wellington Street.
Leicester Permanent Library, Gallowtree Gate.
Lincoln, Dean and Chapter Library.
Liverpool, Athenæum Library, 40 Church Street.
Public Library.
University.
London, The Admiralty, S.W.
The Athenæum Club.
Battersea Public Libraries, Lavendar Hill, S.W.
Birkbeck College, Bream's Buildings, Chancery Lane, W.C.
British Museum.
Chelsea Public Library, Manresa Road.
Fulham Public Library, 598 Fulham Road, S.W.
Gray's Inn.
Guildhall Library.
Hammersmith Carnegie Central Library.
House of Commons.
Inner Temple.
Kensington Public Library, High Street.
The Law Society, Chancery Lane.
Lincoln's Inn.
London Library, St. James's Square, S.W.
London University, South Kensington, S.W.
Middle Temple.
National Portrait Gallery.
New University Club, St. James's Street, S.W.
The Oratory, South Kensington, S.W.
Oxford and Cambridge Club.
Public Record Office.
Reform Club, Pall Mall, S.W.
Royal Institution, 21 Albemarle Street, W.
Royal Societies Club, 63 St. James's Street, S.W.
St. George's Public Library, Buckingham Palace Road, S.W.
St. Paul's Cathedral Library.
Shoreditch Public Library, Pitfield Street, N.
Sion College Library, Victoria Embankment, S.W.
Southwark Central Library, Walworth Road, S.E.
United University Club, 1 Suffolk Street, S.W.
University College, Gower Street, W.C.
Westfield College, Hampstead, N.W.
Dr. William's Library, Gordon Square, W.C.

Manchester, The John Rylands Library.
Public Libraries.
Victoria University.

Middlesborough Free Library, Municipal Buildings.
Mirfield, House of the Resurrection.

Newcastle-upon-Tyne Literary and Philosophical Society.
Newcastle-on-Tyne Public Library.
Nottingham Free Public Library.

Oldham, Union Street Library.
Oxford, All Souls College.
Balliol College.
Bodleian Library.
Exeter College.
Keble College.
Magdalen College.
Manchester College.
Merton College.
Queen's College.
St. John's College.
Union Society.

Preston Library (Dr. Shepherd's).

Reading Free Public Library, Blagrave Street.
Ryde, I. W., Abbaye St. Pierre de Solesmes, Quarr Abbey.

St. Andrews University.
Southport Free Library.
Stonyhurst College, Whalley, Lancs.

Wimbledon Public Library.
Windsor Royal Library, Windsor Castle.
Workington Public Library.

York Public Library.

## BRITISH DOMINIONS AND INDIA.

Adelaide (South Australia) Public Library.
Adelaide (South Australia) University Library.

Brisbane (Queensland) Public Library of Queensland.
Brisbane (Queensland) University of Queensland.
Bulawayo (South Africa) Public Library.

Dunedin (New Zealand) Otago University Library.

Grahamstown (South Africa) Rhodes University College Library.

Halifax (Nova Scotia) Legislative Library.

Johannesburg (South Africa) Public Library.
Lahore (India) University of the Punjab.

Melbourne (Victoria) Public Library.

Ottawa (Canada) Library of Parliament.

Patna (India) Patna College Library.
Perth (West Australia) Public Library.
Pretoria (South Africa) Government Library.

Sydney (New South Wales) Public Library of New South Wales.
Sydney (New South Wales) University Library.

Toronto (Canada) Legislative Library of Ontario.
Toronto (Canada) Public Library.

Victoria (British Columbia) Provincial Library.

Wellington (New Zealand) General Assembly Library.

## FOREIGN COUNTRIES.

### AUSTRIA.

Prague, K. K., Universitäts-Bibliothek.

Vienna, K. K., Universitäts-Bibliothek.

### BELGIUM.

Brussels, Bibliothèque Royale.

### DENMARK.

Copenhagen, Kongelige Bibliothek.

### FRANCE.

Paris, Bibliothèque du Ministère de la Guerre.
Bibliothèque Nationale.
Institut de France.
Université de Paris.

### GERMANY.

Berlin, Bibliothek des Reichstages.
Königl. Bibliothek.
Bonn, Königl. Universitäts-Bibliothek.
Breslau, Königl. Universitäts-Bibliothek.

Erlangen, Königl. Universitäts-Bibliothek.

Freiburg, Königl. Universitäts-Bibliothek.

Göttingen, Königl. Universitäts-Bibliothek.
Greifswald, Königl. Universitäts-Bibliothek.

Halle, Königl. Universitäts-Bibliothek.
Hamburg, Stadtbibliothek.
Heidelberg, Universitäts-Bibliothek.

Königsberg, Königl. Universitäts-Bibliothek.

Marburg, Königl. Universitäts-Bibliothek.
Munich, Königl. Bayer. Hof-Staats-Bibliothek.

Strassburg, Kaiserl. Universitäts- und Landes-Bibliothek.

RUSSIA.

Moscow, Library of the University.
Petrograd, Public Library.

SWEDEN.

Stockholm, Kungl. Biblioteket.

UNITED STATES.

Amherst (Mass.), Amherst College Library.
Ann Arbor (Mich.), Michigan University Library.

Baltimore (Md.), Enoch Pratt Library.
Johns Hopkins University Library.
Berkeley (Cal.), California University Library.
Bloomington (Ind.), Indiana University Library.
Boston (Mass.), Athenæum.
Public Library.
Brunswick (Me.), Bowdoin College Library.
Bryn Mawr (Pa.), Bryn Mawr College Library.
Buffalo (N.Y.), Grosvenor Public Library.

Cambridge (Mass.), Harvard College Library.
Chicago (Ill.), Chicago Public Library.
Newberry Library.
University Library.
Cincinnati (Ohio), Public Library.

Detroit (Mich.), Public Library.

Grand Rapids (Mass.), Public Library.

Hanover (N.H.), Dartmouth College Library.

Ithaca (N.Y.), Cornell University Library.

Jersey City (N.J.), Free Library.

Lansing (Mich.), State Library.
Lawrence (Kans.), Kansas University Library.
Lincoln (Neb.), Nebraska University Library.

Madison (Wis.), State Historical Society of Wisconsin.
Milwaukee (Wis.), Public Library.
Minneapolis (Minn.), Athenæum Library.
Minnesota University Library.

Newark (N.J.), Free Public Library.
New Haven (Conn.), Yale University Library.

New Orleans (La.), Howard Memorial Library.
New York, Columbia University Library.
General Theological Seminary Library.
Public Library.
State Library.
University Club Library.

Philadelphia (Pa.), Pennsylvania University Library.
Library Company of Philadelphia.
Pittsburg (Pa.), Carnegie Library.
Poughkeepsie (N.Y.), Vassar College Library.
Princeton (N.J.), Princeton University Library.
Providence (R.I.), Brown University Library.

Richmond (Va.), Virginia State Library.

St. Louis (Mo.), Public Library.
San Francisco (Cal.), Public Library.
South Bethlehem (Pa.), Lehigh University Library.
South Hadley (Mass.), Mount Holyoke College Library.

Terre Haute (Ind.), Indiana State Normal School Library
Topeka (Kans.), Kansas State Historical Society.

Urbana (Ill.), Illinois University Library.

Washington (D.C.), Catholic University of America.
Wellesley (Mass.), Wellesley College Library.
Williamstown (Mass.), Williams College Library.

## HISTORICAL SOCIETIES IN GREAT BRITAIN AND IRELAND

### WHICH EXCHANGE TRANSACTIONS WITH THE ROYAL HISTORICAL SOCIETY.

Society of Antiquaries, Burlington House, London, W.
Society of Antiquaries of Scotland, Queen Street, Edinburgh.
The Hon. Society of Cymmrodorion, 63 Chancery Lane, W.C.
Surrey Archæological Society, Guildford.
Jewish Historical Society, Mocatta Library, University College, Gower Street, W.C.
The University, Manchester.

## HISTORICAL SOCIETIES ABROAD

### WHICH EXCHANGE TRANSACTIONS WITH THE SOCIETY.

#### AUSTRIA-HUNGARY.

Kaiserl. Akad. der Wissenschaften, Vienna.
Königl. böhmischen Gesellschaft der Wissenschaften, Altstadt, c. Nr 562, Prague.

#### BELGIUM.

Académie Royale des Sciences, des Lettres et des Beaux-Arts, Palais des Académies, Brussels.
Académie Royale d'Archéologie de Belgique, Rue du Transvaal 53, Antwerp.
Société d'Archéologie de Bruxelles, 11 Rue Ravenstein, Brussels.

#### CANADA.

Toronto University.
Archives of the Department of Agriculture, Ottawa.

#### CAPE OF GOOD HOPE.

South African Library, Cape Town.

#### DENMARK.

Société Royale des Antiquaires du Nord, Copenhagen.

#### FRANCE.

Bibliothèque de l'Université de Toulouse, 2 Rue de l'Université, Toulouse, Haute-Garonne.
Revue des Etudes Napoléoniennes, 108 Boulevard St. Germain, Paris.
Société de l'Histoire de France, 60 Rue des Francs-Bourgeois, Paris.
Société d'Histoire Diplomatique, 18 Rue Vignon, Paris.

Société de l'Ecole Nationale des Chartes, 17 Rue de la Sorbonne, Paris.
Société des Antiquaires de l'Ouest, 20 Rue de l'Est, Poitiers.

GERMANY.

Historische Litteraturgesellschaft, Friedensstrasse 11, Berlin.

HOLLAND.

Commissie van Advies voor Rijks Geschied-kundige Publicatien The Hague.
Historisch Genootschap, Utrecht.

ITALY.

Reale Academia dei Lincei, Rome.
Reale Academia Lucchese di Scienze, Lettere ed Arti, Lucca.
R. Società Romana di Storia Patria, Rome.
Società di Storia Patria per la Sicilia Orientale, Catania, Sicily.

MEXICO.

Museo Nacional, D.F., Mexican Republic, Mexico.

NOVA SCOTIA.

The Nova Scotia Historical Society, Halifax, N.S.

PORTUGAL.

Academia Real das Sciencias, Lisbon.
Sociedade Portugalia dos Estudos Historicos, Lisbon.

ROUMANIA.

Academia Romana, Bucharest.

RUSSIA.

Russian Historical Society, Petrograd.
Société Russe d'Archéologie, Petrograd.
Bibliothèque de l'Université de Juriew, Juriew (Dorpat), Russia.

SOUTH AMERICA.

Academia Nacional de la Historia, Carácas, Venezuela.

SPAIN.

Real Academia de la Historia, Calle del Leon 21, Madrid.

SWEDEN.

Kongl. Vitterhets Historie Antiquitets Akademien, National Museum, Stockholm.
The Royal Society of Antiquaries of Sweden, Stockholm.
The University, Upsala.
K. Universitets-Biblioteket, Lund.

SWITZERLAND.

Allgemeine Geschichtsforschende Gesellschaft der Schweiz, Stadt-Bibliothek, Berne.
Historische und Antiquarische Gesellschaft, Basel, Sonnenweg, 15.

UNITED STATES.

The American Jewish Historical Society, c/o A. M. Friedenberg, Esq., 38 Park Road, New York.

The Smithsonian Institution, Washington, D.C.
New England Historic-Genealogical Society, 9 Ashburton Place, Boston, Mass.
The New York Historical Society, 170 Second Avenue, New York.
The Historical Society of Pennsylvania, 1300 Locust Street, Philadelphia, Pa.
The Massachusetts Historical Society, Boston, Mass.
The Rhode Island Historical Society, Providence, R.I.
The Virginia Historical Society, 707 East Franklin Street, Richmond, Va.
The Maryland Historical Society, Baltimore, Md.
The South Carolina Historical Society, Charleston, S.C.
The New Jersey Historical Society, West Park Street, Newark, N.J.
The New Hampshire State Library, Concord.
The Connecticut Historical Society, Hertford, Conn.
American Antiquarian Society, Worcester, Mass.
Texas State Historical Society, Austin, Texas.
Illinois Historical Society, Springfield, Illinois.
Maine Historical Society, Portland, Maine.
Magna Carta Essays. Edited by H. E. Malden, M.A. 21*s.*
Harvard College Library, Cambridge, Mass.

*The Council are not responsible for the accuracy of the foregoing list, but they request that any inaccuracy or omission may be pointed out to the Secretary, and that all changes of address may be notified to him, so that delay in forwarding communications and the Publications of the Society may be avoided.*

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